The Doctors' Discomfort *Paul Starr*

THE NEW REPUBLIC

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Led Astray By the CIA

Morton H. Halperin

How the Agency Killed Trujillo

Norman Gall

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TRB

from Washington
June 28, 1975

Throwback

Just to remind you, President Nixon left for Moscow a year ago (June 25) and Vice President Ford told interviewers that he was sure the boss wouldn't be impeached and that the election of a "veto-proof" Congress would end the two-party system. Like a hooked tarpon Nixon made one final spectacular spring just before destruction, all the way to Russia, and told the nation about it on television July 3. On August 9, Jerry Ford was President.

We think President Ford is a nice man, and probably the most conservative President since Herbert Hoover. Hoover, you remember, was Secretary of Commerce 50 years ago. We got to thinking about him after reading the Ford speech last week to small businessmen. It had a ring, a conviction, an emotion in attacking government control that hasn't been heard around here in years.

Ford is more conservative than Nixon, who really didn't believe in much of anything so long as he got elected and could smear opponents—he was as adaptable as the bubble in the carpenter's level. In his Pat Moynihan-Disraeli phase Nixon proposed a guaranteed income system (carefully saying it wasn't that) in his Family Assistance Program. It's hard to believe that Mr. Ford would offer anything like that. In fact we can't remember a piece of positive social legislation he ever proposed.

Mr. Ford is going to free business from "the shackles of federal red tape" and says that "vital decisions are made by the politicians while the private sector dries up and shrivels away," and that in this Bicentennial year we are "reversing the great principles on which the United States were founded."

Eisenhower was conservative, too, of course; but he watched the clock, he didn't try to set it back. This revived cult is a throwback to the '20s, Ogden Mills saying that federal centralization is "striking at the very cornerstone of our institutions," Herbert Hoover exulting in "the fundamental correctness of our economic system" (just before the crash), and Bruce Barton in his smash-hit, *The Man Nobody Knows* saying that Jesus had "picked up twelve men from the bottom ranks of business and forged them into an organization that conquered the world."

Mr. Ford doesn't say that, of course, but he identifies with businessmen who see "government turned into an instrument of philanthropic collectivism, a legislated redistribution of wealth and income, and the prospect of productive citizens required by law to support a growing number of non-productive citizens."

That's scare talk, that's political table-banging, and it isn't demagoguery because the man who says it believes it; it's from a man who fears (as he says) that "Washington will become the big daddy of all citizens."

Big On Business

President Ford doesn't have a merry twinkle in his eye when he offers such things, as the late Everett McKinley Dirksen (R) of Illinois used to do. He is straightforward and uncomplicated as when he praises the market economy and says "Americans are proud of our system and pleased with what it has produced." It has produced, of course, nine million unemployed just at present. Mr. Ford tells the businessmen, "I hear your cries of anguish and desperation; I will not let you be suffocated," and he cheers them up in the present slump, reminding them that "difficulties sometimes accompany advantages in any system" along with "spells of unemployment" and a "temporary slow down." Be of good cheer, he says, excessive federal intervention will be frustrated; he will help "get government off your back."

This is Alan Greenspan speaking—Bill Simon, Earl Butz, Caspar Weinberger, one of the most conservative teams assembled around a chief executive in a generation. They believe, like Mr. Ford, that free enterprise is threatened by "philanthropic collectivism." Is he thinking about the vetoed strip mining bill? We think Mr. Ford will run for office next year on a program of big defense, big law enforcement and big tax breaks for business, and very likely get elected, too.

The third anniversary of the discovery of Watergate came last week—a little noticed story at the time which *The New York Times* carried, Sunday June 18, 1972 on page 38, a third of the way down between furniture advertisements, with a mild four-column headline, "5 Charged With Burglary at Democratic Headquarters." The election was on and, on October 18, the despairing Democratic Study Group got out a four-page flier, "The Most Corrupt Administration in History." But who was listening to George McGovern!

Next to the revelation of the tapes the most disturbing thing for many is the discovery of the perversion of the intelligence and police forces of the government whereby the executive office can instigate the murder of foreign leaders, by wink or by direct command, through the agency of "executive privilege." If that is so, executive privilege is the strongest force in our government.

The Ervin committee left the Bebe Rebozo melodrama hanging fire: it notes "the transmittal of $100,000 in $100 bills from Howard Hughes to the President's close friend, Charles G. Rebozo, several years prior to the 1972 election" and then it goes on, in its final report, to ask questions and note discrepancies in evidence given under oath.

"In early 1972," it says, "Rebozo began receiving and accepting a variety of contributions . . . At no time, however, did he acknowledge in writing to Hughes or his representatives the receipt of the $100,000 nor did he ever notify as he did with other contributions in 1972, any campaign officials [sic] the receipt of $100,000 until after the election." Rebozo, the Ervin report adds, "placed himself beyond the reach of the committee by traveling to Europe when he had reason to know that the remaining life of the committee precluded it from enforcing further subpoenas on him or others."

So what's the story? We don't know. The Ervin committee "finds it appropriate," it says in its report, July 1974 "that the matters set forth herein be pursued further by relevant investigative bodies."

It's high time we got the answer.

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Contents

-5 Comment
Searching for Purpose, Sweet Nothings
6 White House Watch: Afterthoughts
—*John Osborne*
7 The Death of Trujillo: Kennedy Complicity?
—*David Sanford*
8 Led Astray by the CIA
—*Morton H. Halperin*
11 How the Agency Killed Trujillo
—*Norman Gall*
17 Malpractice: The Doctors' Discomfort
—*Paul Starr*
22 Films—*Stanley Kauffmann*
23 Books—Reviews by *Joseph Featherstone, Charles R. Larson, William Kennedy, John Alfred Avant, Simon Lazarus*
29 Fischer-Dieskau At Fifty
—*Harvey E. Phillips*
30 Fine Print—*Doris Grumbach*
32 Correspondence

The Staff

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Searching For Purpose

If politics were logical we would already be thinking of Gerald Ford as a lame duck since there is a limit to how much mileage a President should be able to get out of being merely more amiable and open than his predecessor. Ford's record is not the sort that would make anyone an odds-on favorite for reelection. His has been a very mediocre administration.

In problem areas affecting the lives of millions, there has not been even modest advance. Joblessness mounts and there is hardly a hint of stable prices. The President's energy program, which does not conserve oil, will stimulate the simultaneous spirals of inflation and recession, one up, one down—the worst of all worlds.

But if Ford has made a botch of governing, and certainly not only on work and food and fuel, the Democrats have made an equal botch of opposing. When Eisenhower was President—and oh, how the GOP wants us to think of Ford as another Ike—the name given to the paralysis of the Democrats was "bipartisanship." There was something to that since the Texans who ran things in Congress were not less conservative than the Executive. These days it is easy, or at least generous, to confuse Mike Mansfield's spiritless leadership with a strategy of no politics beyond the water's edge. Mansfield 'til recently had made something of a fight to reduce American troop strength in Europe. It is on high ground, though, that he has given up, and he usually does. Mansfield may be a justifiable target; he is not, however, a sufficient explanation of the Democrats' ineffectiveness. The leadership in the House is more spunky, but hardly with greater credits to its account. Given the Democrats' numerical majority and the influx of younger insurgent liberals, we were told to hope that Congress would take long-range programmatic initiatives that might relieve the national distress and also build a record for Democrats to run on in 1976. We haven't even had the "standing insurrection" that Emerson expected from legislatures and that, at this point in our history, might have improved our morale. What we have had is a set of procedural reforms, some of which seem already to be regretted by their backers. Few any longer are inclined to argue that democratizing the mode of selecting committee chairmen will turn out to have been a boon to progressive politics.

The Democrats' failure has been seen largely in their inability to

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override a few presidential vetoes. And one should not underestimate the consequences: the failure of the strip mining bill will be paid for by later generations; those who are without jobs suffer in body now and the psychic costs will be paid for years to come.

On these traditional issues the Democrats did succeed in putting a legislative package together, mustered majorities, and nearly overrode the President's vetoes. But they did not organize a popular clamor that would have made the vetoes more politically difficult for Ford than they have been. On energy the Democrats are so passionate and so irresolute that the issue has gone to the President virtually by default. Part of the problem is that the more routine concerns like work programs for the unemployed elicit the decent reflexive New Deal responses in which there is no longer much confidence. On the "new" issues, which are also long-term ones, there is no consensus—in part because they require the kind of conceptualization to which politicians are congenitally indisposed.

We aren't a people given to ideological politics, and that accounts for much of the American success, and defines our uniqueness. Even crisis doesn't make us hospitable to doctrine. But there are times in a nation's history when its politics must come to grips with questions of fundamental and structural inadequacies in the system, come to grips therefore also with what is a plausible and just vision of its goals. Despite Lord Bryce's assurances at the turn of the century, divine providence no longer has under its "special protection children, idiots and the United States of America."

There was a time when intellectuals were able to define a purpose against which policy might be measured. Herbert Croly, the first editor of this journal, did that with his *Promise of American Life*. A heterogeneous group (including Thurman Arnold, Felix Frankfurter and maverick radicals) did something comparable for the New Deal. A quarter century later John Kenneth Galbraith's *The Affluent Society* and then Michael Harrington's *The Other America* made people aware of what we were not doing that we should be trying to do. Even if we were not bookless just now, there is no evidence that politics—that is, politicians—would be receptive to ideas ethically based and directed. For good reasons faith in intellectuals and in their wisdom no longer runs so high even among liberal intellectuals. Our politics is itself now so frantic and desperate as to censor out what is deeply important in order to deal day to day with what seems urgent—or easy. When aspiring presidential candidates meet with professors, they appear to solicit ideas. One suspects, however, that they really are after palatable nostrums.

It may be that someone will emerge to give content to common grievance and shape to public desires; one shouldn't count on it. In the meantime we are thrown back on the established institutions and familiar politicians. It is from there and from them that we are entitled to expect at least inklings of policy tied to some philosophy of government. The notion that one must redefine the legitimate aims of government has become, despite the natural tendency of almost everyone to avoid it, the smoldering issue of our day. The polls tell us this; history explains why. Distrust of government has become a cliché. But the fear of big government, intervening government, will undermine efforts to redistribute wealth, reform the tax system, protect consumers, preserve the environment, plan the economy, ensure security for the aged, provide care for the sick, improve our schools, redeem our cities. The Jeffersonian adage about the government that governs least is not so simple a proposition. And only at one's peril does one repeat it and exploit it, without considering the consequences.

This is, we think, the kind of discussion that should now be taking place in and around the Democratic party. Assumptions about policy and beliefs about society are less in harmony than at any point in nearly 50 years. The old formulas will no longer do at the polls, and they may not work anyway. But one does not easily give up on ideals such as equality, capitulating to fashion or to popular pressure. Liberals are in for a taxing experience; just plain ordinary Democrats are too.

The GOP President also has to confront these issues. Perhaps a significant challenge will be mounted against him by the Reagan right; the smug, the callous, the fearful are not to be shrugged off. But his own instincts for restraining government spending and for making scapegoats of Democrats will likely help him win the day in his own party, enough certainly to keep the Republicans from going the way of the Whigs, to keep himself from being Millard Fillmore. With the largest budget deficit in history and the most bloated public bureaucracy, Ford will still be the anti-government candidate. This may be his good luck. But where does this leave progressive Democrats?

It leaves them in trouble, and nothing they are doing now seems destined to ease their predicament. There is no debate on issues in the party, save on defense, and that one was hardly an elevating episode (see "Thinking Out Loud," *TNR*, June 14). What the party is into is the presidential campaign, already, a year before the primaries. So many people are contenders that running for President isn't much of a distinction. It is clear that they all *want* to be President, but it is not clear that they all know why. At last count (a week before the date on the cover of this magazine) there were eight declared or just-about-declared candidates. Add to this list at least five other hopefuls in the Senate—some of them perennial hopefuls—plus the governors of the four most populous states, who are "taking soundings" and whose greatest, even only asset seems to be anonymity outside home ground. Contemplate a few more favorite sons about whom there is already speculation and the new faces or old ones who may appear simply because some columnist notices. This omits Eugene McCarthy taunting the party, most say quixotically,

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from the outside, and Ted Kennedy still tantalizing it, almost everyone says deliberately, from inside. One Washington writer says that "thus far, everyone is tied for fourth place."

That's as it ought to be, what the candidates deserve and what the party has brought on itself.

Take Sen. Kennedy's attempt to keep himself out of the running. It was altogether predictable that many would see his withdrawal from the race as a ploy to win it. But the senator did what his detractors said he should do though never would: he declined in advance to be a candidate. Who knows? Maybe the cynics are right, maybe he is really not sincere. Yet he set the party free, set the stage for others to crystallize issues, to develop a constituency, to build a record on the hustings. Except for Wallace, who had done all these things before Teddy's departure, no one has taken advantage of the opportunity. Now we are back to speculations about Kennedy's intentions, the fawning, the gossip, the hope. It is not his fault. Some of it has to do with the need of columnists to produce two or three times a week. The Kennedy portent always makes good copy.

What candidates did—perhaps because party activists demand it—is project themselves, nurture cults of personality. The talk is about style, charisma, campaign organizations, access to funds. There's hardly a thought about the substance of politics, nothing about tomorrow's politics for which we must plan today. The contenders have not tried to educate the electorate or even their earliest supporters because they have not yet begun to educate themselves. They are, most of them, competent and informed men, decently motivated. But they still seem to believe that what the party and the nation require is an energetic body willing to be a vessel for everyone's hopes. It is not so simple. And as long as the competition remains a tinsel one, pitting personalities against each other, measuring smiles and cadences, the positive tropism to the third Kennedy will reassert itself.

The phenomenon of the resilient Wallace exposes the paucity of political ideas from which the candidates make their case. Three Southerners are aiming at high noon with Wallace. All of them want to take him on and beat him in at least one Southern state, preferably their own: Carter in Georgia, Bentsen in Texas, Sanford in North Carolina—a feat the former governor and now university president failed to achieve last time around. And they would run as respectables against his vulgar racism, counting on minority votes to put them across. That just may be a winning tactic. But it does not deal with the crucial appeal of Wallace—the politics of resentment, less of blacks than of bigness, official bigness in particular.

The resentment theme runs through the populisms of both right and left, though with the latter, which is a far less formidable force, the burden of blame (and hatred) is shifted somewhat to corporate bigness, an understandable sentiment. Resentment, moreover, adds a vigilante tone to public discourse. Resentment is also contagious; and strategies built on fantasies of powerlessness, as David Riesman has argued, can be as dangerous as fantasies of omnipotence. Will the Democrats play that tune while adhering to policies that contradict it? Or if they retreat from admittedly compromised policies—but not useless ones—and slink away from the ideals of the past, what will they offer instead? Beyond overhauling our whole intelligence system, beyond securing violated liberties, beyond reappraising foreign involvements, the Democrats owe themselves and the voters a discussion of what government can and should be about.

Sweet Nothings

Notices of honorary degrees at colleges and universities are pouring in. Like the number of hamburgers sold at McDonalds or the length of skirts at a Paris preview the list is an index of something—though one can't be sure what. Women are doing better this year (although in the three rounds of kudos in *Time* barely more than a third were women) and musicians, especially jazzmen, are holding their own. Columbia heaped honors on Arthur Rubenstein—nice we thought—but it was for the "vitality and harmony" of his being. Being what? Heidelberg College gave Ron Nessen an L.L.D. and Dartmouth one-upped them with "Captain Kangaroo." The University of Bridgeport, in Connecticut, was politic to give Gov. Ella Grasso a doctor of laws, but the junior senator from the state, Lowell Weicker, had to settle for out of state plaudits from the University of Maine. He has "exemplified the New England virtue of placing integrity above party loyalty," they said. Maine must have suffered a memory lapse about Weicker's insistence on shepherding through the Senate the former Connecticut governor and seldom lawyer Thomas Meskill's nomination as judge on the second circuit.

IBM, Xerox and General Motors got degrees, that is, if you believe in the device of synecdoche (a part standing for the whole). In that case we all got a degree from the University of Pennsylvania, when the school lauded Gerald Ford for "the decency and candor defining the essential American character." It is curious that the school has never honored alumna Candace ("Cappy") Bergen, who many knew as Miss Homecoming, 1963.

You wonder what people do with their honorary degrees. If Derek Bok had not received an honorary bachelor's degree from Harvard in 1971, he might not be president of the university, since only graduates of the college have ever gotten the job. That seems pragmatic. But why didn't Harvard give one to

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Muhammad Ali, after all the fuss about his address to the senior class before graduation? (Newspaper headline: Muhammad Ali Gives Up Fee, Says He Wants Honorary Degree.) As the *Boston Globe* reminded us, Ali saw the folly of the Vietnam war before most of the prescient faculty of Harvard and acted on his belief as a conscientious objector.

John Doar and John Sirica and Barbara Jordan and Katharine Graham and Jill Wine Volner and Peter Rodino got degrees, although Robert Redford and Dustin Hoffman did not, so far as we know. Boston University gave one to Mary Anne Krupsak, calling her a "central figure in a movement that is reshaping American public life." A central figure? Geraldo Rivera got one for being a television personality—and we hope that doesn't egg him on to be anything else—as did Barbara Walters, who *has* "underlined the truth that women are capable of achievements equal to those of men." Brandeis gave one to Mary Calderone, because she has "reminded us that the only way to a fulfilled sexuality is through love."

White House Watch

Afterthoughts

Here are some points and thoughts in the aftermath of a piece about the *Mayaguez* affair and in the wake of the Rockefeller Commission report on CIA behavior.

My conclusion that President Ford "acted properly, legally, courageously and as necessity required" in using military force to recover the *Mayaguez* and its crew from the Cambodian Communists aroused a response that in volume and ferocity hasn't been equaled since readers discovered in the early Nixon years that I was capable of granting Richard Nixon occasional benefit of doubt. Some of the *Mayaguez* letters appear in this issue. They and others persuade me that I overstated my position: I'd omit "courageously" if I were writing the piece now. Questions that should have been raised were not. Generally, however, the reader reaction suggests the existence and prevalence of attitudes that are more interesting than the merits and defects of my view.

It was evident, for instance, that news reports of the seizure and recovery put far more emphasis upon the questionable aspects of the affair than one would have supposed from reading the newspapers commonly read in Washington. It was even more evident that readers and listeners, at least the kind who seem to read this journal, were more inclined to believe negative reports than they were to believe the more favorable reports and the administration claims. This seems to me to have been fair and healthy enough, except for one consideration. It's bad, I think, when propositions and assumptions that are open to reasonable doubt are taken to be established fact when they reflect upon the administration and are rejected as flat falsities or lies when they support an administration view or action. An instance is the legitimate question whether the *Mayaguez* was on the high seas when it was seized some 60 miles off the Cambodian mainland. The US government held that it was in international waters. The ship was certainly in a regularly used sea lane. It was also about eight miles from a small islet that Cambodia claims. The previous Cambodian government had declared that sea spaces within 12 miles of its shores, whether mainland or island, were its territorial waters. The US has always rejected 12-mile and more expansive claims, holding that its claim of territorial sovereignty up to no more than three miles from its shorelines is traditional, practical and proper.

This brings us to my statement that there was "no evidence whatever that the *Mayaguez* was not exercising the internationally recognized right of innocent passage." Nothing in the piece infuriated readers more. Upon further inquiry it turns out to have been a factual oversimplification. The US in the *Mayaguez* affair never claimed "the right of innocent passage"; it relied entirely upon the claim that the *Mayaguez* was seized in international waters. Innocent passage applies only in territorial waters and it's a qualified right. A government is entitled to establish that the passage of a foreign ship through its territorial waters is in fact "innocent" and it may do this by stopping and searching a ship. The US view seems reasonable to me and to lawyers whom I have consulted. It is that the Cambodians went beyond the recognized right to stop and search when they seized the *Mayaguez*, directed it to a Cambodian anchorage, and removed the crew.

Another facet of the reader reaction fascinated me. I'd never realized that the working press in Washington, especially as it's represented by some of our more aggressive questioners, has so many friends around the country. In the Nixon years the TV networks were deluged with complaints when viewers saw reporters at presidential press conferences glaring, jabbing and shouting at Richard Nixon. Something seems to have happened since then and I don't know what it is. My remark that the behavior of some of the reporters at White House, State and Defense briefings on the *Mayaguez* episode indicated that they "would have been happy if the *Mayaguez* affair had proved to be an unmitigated disaster rather than a flawed success for the United States" enraged readers. Who authorized this jerk, they asked in effect, to pass judgment on his peers? It's a good question and it raises another question. Could it be that some of the angered readers "would have been happy if the *Mayaguez* affair had proved to be an unmitigated disaster"? I suspect so.

The following afterpoints and thoughts about the Rockefeller-CIA report have to do with the event itself rather than with my account of the boggles that accompanied the report's release. It became evident

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during the 10 days that followed publication of the Rockefeller report that President Ford and his people were extraordinarily nervous about the continuing rumors and assertions, usually unattributed to the sources, that the late President John F. Kennedy and his brother, Attorney General Robert Kennedy, were going to be tainted as evidence bearing upon allegations that the CIA plotted the assassination of Fidel Castro, among others, during their tenures comes out. Mr. Ford at his press conference on June 9, explaining his decision to withhold the commission's evidence about assassination from publication and pass it along to congressional committees and the Justice Department for further inquiry and evaluation, increased the suspicion that material affecting past Presidents is involved. He said: ". . . under no circumstances do I want to sit in 1975 passing judgment on decisions made by honorable people under unusual circumstances . . . That's why I caution the House and Senate committees to use utmost prudence in how they handle the material I'm giving them . . . I am not passing judgment on whether they [past Presidents] were right or wrong. I simply am saying that for us, 15 or 20 years later, to put ourselves in the position of people who had the responsibility in the highest echelons of our government—we shouldn't be Monday morning quarterbacks, if I could invent a cliché." Vice President Rockefeller on a TV panel show was actually more cautious and restrained in the implications of some of the answers forced upon him than the President was. But Rockefeller was damned for pointing at the Kennedys, and White House reporters asked whether the President was displeased with him for that reason. The given answer was, no. On the face of it, the President had no right to be displeased and I'm told that he had no grounds to be. I'm also told to be very cautious indeed about absolving the Kennedys or falling in with the attempts of former Kennedy associates, notably Adam Walinsky and Frank Mankiewicz, to suggest that Ford apologists are deliberately smearing John and Robert Kennedy in order to get at Senator Edward Kennedy.

Within a week after publication of the Rockefeller report, Mr. Ford had a definite change of mind about how to handle the assassination phase of the commission inquiry. He concluded that his responsibilities as President required him to do something more than simply pass relevant information to Senator Frank Church's select investigating committee, an equivalent House committee if it ever got going, and the Justice Department. It may be, though I don't know it to be a fact, that he was simply bugged by the suggestions in print, on the air and in questions put to him and his spokesmen that he was "passing the buck." Press Secretary Ron Nessen read an impassioned and muddled sermon to the White House press corps on the evils of "a continuing series of leaks of partial information and . . . a lack of respect for handling this kind of thing in a careful way. The President really wants to reiterate his feeling that it needs to be handled with utmost prudence." Two days afterward the President still had not decided how he was going to handle whatever facts there were behind the continuing rumors of past discussion of and participation in plans for assassination "in the highest echelons of our government."

A victim of the *New York Times* allegations that led to the Rockefeller inquiry was James Angleton, former CIA chief of counterintelligence, who was driven from his job and close to mental and physical collapse by the *Times'* assertion that he directed much of the illegal domestic surveillance known within the agency as Operation CHAOS. I'd think better of the *Times* and its reporter, Seymour Hersh, if they'd given adequate corrective prominence to the following passage on page 145 of the Rockefeller report: "The Counterintelligence chief was technically responsible . . . for Operation CHAOS. . . . But the available evidence indicates that the Chief of Counterintelligence had little connection with the actual operations of CHAOS."

John Osborne

The Death of Trujillo

Kennedy Complicity?

It has been said that today's newspaper wraps tomorrow's fish. News is made, reported and forgotten, sometimes even by those who publish it. There's an example of this in current press accounts that the Rockefeller Commission investigating the CIA turned up evidence that the agency, possibly with the knowledge of President Kennedy, was involved in the murder of the Dominican Republic's President Rafael Trujillo on May 30, 1961. No such charge was made in Rockefeller's report, but the Vice President encouraged speculation when he implied on NBC's "Meet the Press" two Sundays ago that John and Robert Kennedy may have known of CIA murder plots. All of this has inspired the late Robert Kennedy's trusted aides Frank Mankiewicz and Adam Walinsky to publish impassioned denials on behalf of the dead Kennedys—denials that are credible only if one believes that Bobby Kennedy reminisced about everything he knew and didn't know to his assistants. Mankiewicz in '61 was out of earshot with the Peace Corps in Lima, Peru; Walinsky was barely an adult.

CIA complicity in the gunning down of the dreadful dictator Trujillo is old news. *The New Republic* was reminded last week that we had published in 1963 a compelling account of the CIA's Trujillo operation in a piece by Norman Gall (reprinted beginning on page 12

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of this issue). Gall, who was at the time a reporter for *The San Juan Star* and who is now a senior associate of the Carnegie Endowment for International Peace, made a case (based on information from a US diplomat in Santo Domingo whose identity he refused to divulge) that the CIA armed the Trujillo assassins.

Gall's article speaks for itself and ought to be read by Sen. Church's committee in its investigation of CIA assassinations. But there is more to the tale than Gall was allowed to tell. Correspondence in our files shows that Gall's first draft (not the published version) stated that President Kennedy knew of and approved plans to bump off Trujillo. Gall sent that first draft to William Shannon, then a columnist with *The New York Post* and now a member of the editorial board of *The New York Times*, asking "what he thought, in principle, of printing this." Shannon did not try to buy the article for the *Post*. It was too long, he says, and the *Post* did not have an important enough audience. Instead Shannon passed it along to *TNR*. Shannon then wrote Gall a letter "suggesting," according to Gall's letter, "that we leave out the President's complicity in the plot on the ground that my source was not present at the briefing and we do not know how explicit Kennedy's approval was."

The charge against Kennedy appeared in the draft sent to *TNR*. Gilbert Harrison, then the editor-in-chief of this journal, wrote Gall "I want to publish it. But this is no ordinary story, as you well know, and therefore I want your help in straightening us out on some of the points . . . Although we would respect your confidences, I think we should know, for our own information, exactly what your sources were, particularly as these relate to the part in the plot by CIA. The story is bound to be denied in Washington, and we are going to need as much self-assurance as we can muster, once the denials hit. My other questions have to do only with details . . . I would like to know, most particularly, what the hard evidence is for Kennedy's having known about the plot." Gall related William Shannon's reservations about naming Kennedy and left the decision about omitting the Kennedy charge up to Harrison. However in defense of it he said "The hard evidence for Kennedy's foreknowledge is my source's account of the plot's development." In the end Kennedy was penciled out of the story. Shannon's recollection last week was that he felt in '63 that *The New Republic* was being excessively cautious in editing it out.

Gall states in his published piece that at the last minute the CIA tried to delay the Trujillo killing. Elaborating in his letter to Harrison, he said "The CIA tried to postpone the assassination because a miscarriage of the plot would be not-a-little embarrassing to the Agency as well as the government if it failed on the heels of the Bay of Pigs fiasco." The abortive CIA-sponsored invasion of Cuba had taken place just half a dozen weeks earlier, on April 17, 1961.

Relations between the press and President Kennedy, everyone recognizes in retrospect, were too chummy. Gall asserted when he wrote his Trujillo piece that *Time* magazine had for many months sat on a story of CIA involvement in the Trujillo killing which, according to Gall, *Time* learned of within days of the assassination. "*Time* did not print what it knew at the time about the CIA role due to its 'national interest' self-censorship policy." *The New York Post* didn't attempt it. *The New Republic* did, but in toned-down form.

David Sanford

Playing Fast and Loose With Truth

Led Astray by the CIA

by Morton H. Halperin

One technique of the Central Intelligence Agency, discussed only in passing in the Rockefeller Commission report released two weeks ago, is *dis-information*. As Philip Agee discusses in his book *Inside the Company*, the agency has expensive facilities for producing fake documents and other means for misleading foreigners. As with other CIA methods, dis-information has been turned against the American people. The clearest and most important domestic dis-information project of the agency was the effort, still going on, to discredit the Seymour Hersh story on the CIA's "massive, illegal domestic intelligence operations" and to conceal the scope of CIA domestic activities.

From 1953, when a program to open first-class mail began, CIA officials had no doubt that they were engaging in illegal activities. By May of 1973, if not long

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before, they knew that they had engaged in extensive violations of the legislated mandate to avoid internal security matters. Yet every effort was made to conceal this knowledge.

In May 1973 James Schlesinger, then director of Central Intelligence (DCI) and now Secretary of Defense, asked all present and former employees of the CIA to bring to his attention any activities that they believed to be illegal or in violation of the CIA charter. This memorandum produced some hundreds of responses and an inspector general's report laying out many, but apparently not all, of the activities described in the report of the presidential commission.

Schlesinger's response was to order an end to some of the activities. He made no report to the oversight committees of the Congress or to the public. Soon thereafter he or his successor, William Colby, reduced the inspector general's staff and ordered him not to conduct any investigations of agency operations.

As the full extent of the Nixon administration's paranoia about domestic dissidents became public, questions began to be raised in the Congress about whether the CIA had been drawn into any of these activities. It had, of course, in the massive way discussed below, but CIA officials at first saw no need to inform Congress at all. Richard Helms, Schlesinger's predecessor as director of Central Intelligence, and a man ubiquitous in the Rockefeller Commission's account of CIA misdeeds, was probed on the question by Sen. Clifford Case. Helms had been nominated to be ambassador to Iran and the Foreign Relations Committee took the opportunity to ask him about reports of CIA domestic activities. In light of the Rockefeller Commission's description of operation CHAOS, directed at domestic dissidents, and Helms' role in it, one has difficulty deciding which is more astonishing—his answer or that Helms remains ambassador to Iran. Here is the text:

> Senator Case: *It has been called to my attention that in 1969 or 1970 the White House asked that all intelligence agencies join in the effort to learn as much as they could about the antiwar movement, and during this period US Army Intelligence became involved and kept files on US citizens.*
>
> *Do you know anything about any activity on the part of the CIA in that connection? Was it asked to be involved?*
>
> Mr. Helms. *I don't recall whether we were asked, but we were not involved because it seemed to me that was a clear violation of what our charter was.*
>
> Senator Case. *What do you do in a case like that?*
>
> Mr. Helms. *I would simply go to explain to the President this didn't seem to me to be advisable.*

The Rockefeller Commission apparently considered deception of the American public and possible perjury as beyond the scope of its inquiry into CIA domestic activities. Thus it neither reports nor comments on this testimony. Statements of current Director William Colby are treated in the same way. One needs, therefore, to refer to the published hearings of the Senate Armed Services Committee preceding Colby's confirmation to learn that he saw no reason to report to that committee, even in closed session, on the results of the investigation launched just a few months before as a result of the Schlesinger memorandum. Indeed, in July 1973, Mr. Colby had this exchange with Sen. Symington:

> Senator Symington. *As I understand it, you do not intend to participate in any way in any domestic intelligence.*
>
> Mr. Colby: *I do not, Mr. Chairman.*
>
> Senator Symington. *Would this prevent you from helping to make policy regarding the collection of intelligence on domestic groups?*
>
> Mr. Colby. *I believe it would, yes, Mr. Chairman. I do not see that as within my responsibilities at all.*
>
> Senator Symington. *Would the 1947 act prohibit the CIA from collecting, or providing the support necessary for collecting, intelligence within the US on domestic groups?*
>
> Mr. Colby. *I believe that is the same question, essentially.*
>
> Senator Symington. *Yes.*
>
> Mr. Colby. *And it would prohibit me from doing that.*

Sometime after, Mr. Colby decided to give the subcommittee to which he reports some account of the illegal and inappropriate activities uncovered in the Schlesinger investigation. This testimony, which has still not been made public, produced no congressional action. In desperation one or more middle level officials of the CIA gave Hersh the bare outlines of the story.

Before publishing his article, Hersh, faithful to *New York Times* tradition, conferred with Colby. The DCI, by his account, attempted to convince Hersh, and no doubt *Times* executives, that the story was fundamentally wrong and misleading. The *Times* was in this case not persuaded and on December 22, 1974 published Hersh's account under a four column headline reading "Huge CIA Operation Reported in US Against Antiwar Forces, Other Dissidents in Nixon Years." The opening sentence reported that the CIA had conducted a "massive illegal domestic intelligence operation" against the antiwar movement and other dissidents.

That phrase—"massive illegal domestic" was to become the focus of a massive illegal domestic CIA campaign to discredit the Hersh story. As will be shown, every fact save one in the *Times* story is confirmed by the commission.

The agency pulled out all the stops in the effort to divert attention from its activities to a discussion of how Sy and the *Times* could have gone so wrong;

Morton H. Halperin, now associated with the ACLU and the Center for National Security Studies, was in 1969 on the staff of the National Security Council. He has filed a civil suit charging Henry Kissinger and others with illegally wiretapping his home telephone.

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suggestions were put about that both were eager for a Pulitzer Prize to get even for *The Washington Post*'s Watergate coverage; hence the need to rush into print before the end of the year. Reporters with little or no prodding came to talk of Sy's carelessness and bias.

Although neither Hersh nor anyone else could get additional detail or further confirmation of the story, it would not die and Colby was forced to confront the Congress. He picked his target carefully, a closed session of the ultra-friendly subcommittee of the Senate Appropriations Committee. His opening statement was released to the press and billed as a complete description of the agency's domestic activities. This January 15, 1975, statement has to be read carefully, along with a correction sheet issued quietly a month later, and compared to the Rockefeller Commission report in order to appreciate the subtleties of dis-information as practiced by the company.

The DCI in this statement denies the Hersh story fully and frontally. A month later testifying before the House Appropriations Committee he characterized his earlier testimony as a flat denial of the *Times* allegations, stating that "this operation was neither massive, illegal, nor domestic, as alleged." The operation he was referring to was CHAOS. That is as good a place as any to begin a comparison of the Hersh story, the Colby statement, and the report of the commission appointed by President Ford. In the process we can review the facts brought about by the official panel while examining the agency dis-information campaign. We will then be in a position to consider the tone of the Rockefeller report and its recommendations.

Operation Chaos. As Hersh acknowledges, he was not able to get many details about the special unit set up to investigate domestic dissidents. Even its "Get Smart" name had not been revealed to him.

These are the facts he reported:

- Files were compiled on 10,000 American citizens.
- Specific individuals were targeted, including one antiwar member of Congress.
- Information on the targeted individuals was collected from a variety of sources including informants who penetrated antiwar groups.
- There were names of others in the files, including other members of Congress.
- The activities were conducted by a special unit, reporting directly to DCI, set up initially to look for evidence of foreign involvement in the antiwar movement but growing into a domestic intelligence operation.
- The group produced a series of reports on the antiwar movement, one of which was sent to Henry Kissinger.

While claiming to deny the entire story as it related to the special unit, Colby in his statement confirmed many of the facts. However he carefully left the impression that the unit never strayed beyond the mission of exploring the links domestic dissidents might have had to foreign groups.

Colby conceded that there were files on 10,000 Americans. He admitted that agents had infiltrated the antiwar movement as part of operation CHAOS. He said that they had been limited to gathering information abroad, although he admitted that some reports were submitted on the activities of American dissidents. He denied that surveillance had been conducted on antiwar congressmen and, after an initial denial, confirmed that there were files on four members of Congress. In five pages of testimony, Colby failed to touch on the other specific facts in the Hersh story.

The basic ploy was to divert attention away from the details of what the special unit had done and focus it instead on the disputed accuracy of the *Times* story. Until the Rockefeller report was published, this ploy had largely succeeded. The *Times* had pulled Hersh off the investigation claiming that he was part of the story and could not cover it objectively. Many reporters and observers were convinced that there had in fact been no *massive* effort and nothing very illegal, only as Colby had put it, a few occasional missteps brought about by intense presidential pressure.

The writers of the Rockefeller report were well aware of the controversy over "massive illegal domestic" and they were not about to explicitly confirm the characterization that had been made the touchstone of the accuracy of the *Times* story. However they leave the reader in little doubt. The operation, the eight conservative commissioners concluded, "unlawfully exceeded the CIA's statutory authority." So much for "illegal." As to "domestic," they write unanimously that the operation became a "repository for large quantities of information on the domestic activities of American citizens" and that "much of the information was not directly related to the question of the existence of foreign connections with domestic dissidence."

Notice the use of the adjective "large." The commission staff must have wanted to avoid "massive." Earlier, they had referred to a "veritable mountain of material," and a paragraph summing up the activities of this unit, which at its peak had more than 50 employees, reads as follows:

> *By August 1973, when the foregoing Colby memorandum was written, the paper trail left by Operation CHAOS included somewhere in the area of 13,000 files on subjects and individuals (including approximately 7,200 personality or "201" files); over 11,000 memoranda, reports and letters from the FBI; over 3,000 disseminations to the FBI; and almost 3,500 memoranda for internal use by the operation. In addition, the CHAOS group had generated, or caused the generation of, over 12,000 cables of various types, as well as a handful of memoranda to high-level government officials.*
>
> *On top of this veritable mountain of material was a computer system containing an index of over 300,000 names and organizations which, with few exceptions, were of United*

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States citizens and organizations apparently unconnected with espionage.

By any standard other than that of directors of the CIA, this was a massive operation.

The commission, in the process of describing and deploring the CHAOS operation, confirms all the Hersh facts with one possible exception. There were created some 7000 detailed files on American citizens and 1000 on domestic organizations. The computer system of CHAOS had indexed some 300,000 names of citizens and domestic organizations. Specific individuals, those with "201 files," were the targets of information gathering from many sources including the penetration of antiwar groups. While the commission found no evidence that a congressman was specifically targeted, the "inaccuracy" in the Hersh story is simple to explain. An agent of the CHAOS operation "became involved as an adviser in a United States congressional campaign and, for a limited period, furnished reports to CHAOS of behind-the-scenes activities in the campaign." The activities were, as Hersh reported, conducted by a special unit reporting directly to the DCI. This unit was, as he explained, originally set up to gather evidence of foreign connections and grew into a domestic intelligence operation. Finally, a series of reports was produced and at least one forwarded to Kissinger.

In describing these reports, the commission blows the agency cover that, as Colby put it, this was a "counterintelligence operation directed at possible foreign links to American dissidents," and that it was a proper activity observing the limits on CIA domestic activity.

The commission report describes some eight studies prepared by the CIA on the antiwar movement in the United States in the period between November 1967 and January 1971 and forwarded outside the agency. These studies reached the same conclusion: there was no evidence that foreign governments or agencies controlled or directed domestic dissident movements or provided financial assistance to them. The agency didn't have any doubt about this, nor does the commission report on any evidence to the contrary.

If the agency knew that its efforts were not directed at studying what it knew to be a nonexistent connection, neither did it have any doubts about the impropriety of what it was doing. In sending one study, "Restless Youth," to Walt Rostow in the Johnson White House, Helms wrote that "You will, of course, be aware of the peculiar sensitivity which attaches to the fact that CIA has prepared a report on student activities both here and abroad." In forwarding a second copy of the report to Henry Kissinger in February of 1969, Helms was even more explicit:

In an effort to round-out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this Agency, so I need not emphasize how extremely sensitive this makes the paper. Should anyone learn of its existence it would prove most embarrassing. . . .

In addition to confirming all of the facts of the Hersh story regarding the CHAOS unit, the presidential commission provided considerably more detail of its operations. Several items are worthy of note in light of the CIA effort to paint the unit's activities as proper.

On three occasions, the commission notes, agents who had infiltrated the antiwar movement were sent on specific assignments wholly concerned with domestic activities. One of these assignments yielded 47 separate disseminations to the FBI with such titles as "Plans for Future Anti-War Activities on the West Coast." As the commission explains, the bulk of these "related solely to domestic activities."

Another agent reported on the high-level leadership activities of a dissident group, and a third infiltrated the group planning May Day demonstrations.

The CHAOS unit had a watch list of some 1000 organizations and thousands of individuals. Forty-one names from this list were sent to the unit opening mail in New York; it sent back a two-file-drawer load of material obtained from the illegal opening of mail.

Names from the list were also supplied to the National Security Agency, identified by the commission delicately only as "another agency." NSA monitored the overseas phone calls of those on the list, in violation of their Fourth Amendment rights, and provided some 1100 pages to the CHAOS unit.

Other Domestic Surveillance Programs. Thus far I have discussed all of the facts in the original Hersh story related to surveillance of domestic dissidents except one. This is the assertion that CIA agents followed and photographed participants in antiwar demonstrations. Not so, said Mr. Colby in his January statement to the Congress. He went on to detail several instances of surveillance of American citizens but said that they related to leaks of information or assassination plots.

According to the Rockefeller Commission report that statement to the Senate committee was simply false. Participants in antiwar rallies were followed by CIA agents as part of a totally different program that is not mentioned at all in the original Hersh story.

Colby touched briefly on these activities in his statement, telling the Senate committee that beginning in 1967 the CIA office of security, acting out of fear of the safety of its installations in the Washington area, has inserted 10 agents into dissident organizations to gather information "relating to plans for demonstrations, pickets, protests, or break-ins."

The presidential commission tells a different story The program, which ran from February 1967 to December 1968, involved many different agents, although no more than 12 at any one time. These agents penetrated a number of different organizations

(continued on page 14)

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How the Agency Killed Trujillo

The assassination of the Dominican Republic's Rafael L. Trujillo was carried out with assistance from the US Central Intelligence Agency. Arms for the May 30, 1961, slaying of the 69-year-old dictator on a lonely stretch of highway near his capital were smuggled by the CIA into the country at the request of the assassins, according to highly qualified sources I interviewed in Santo Domingo shortly after the collapse of the Trujillo rule.

The arms had to come from the outside, I was told, because of the close scrutiny imposed by Trujillo on the removal of guns from military bases. These controls kept the conspirators from obtaining their own weapons without awakening suspicion, despite the involvement in the plot of the Secretary of State for the Armed Forces, Gen. Jose Rene Roman Fernandez, and other leading military officers.

The CIA began shipping arms to the Dominican Republic in late 1960, following a series of talks between US Consul Henry Dearborn, Chief Political Officer John Barfield of the US Consulate, and Luis Amiama Tio, who had extensive banana and cattle holdings and had been mayor of Santo Domingo. Also involved in the plot was Antonio Imbert who had been Governor of Puerto Plata province. Both Amiama and Imbert are tough guys and ambitious. Both were made four-star generals by the provisional council that took over after Trujillo's death. However, when leading army officers balked at their elevation to the highest military rank, Amiama and Imbert said the honor bestowed upon them was too great and modestly demoted themselves to brigadier generals.

1960 was a bad year for the Dominican Republic. The economy was in the dumps. The country was in disgrace internationally as a result of Trujillo's backing of a plot against the life of Venezuelan President Romulo Betancourt. In June, a car full of explosives blew up alongside Betancourt's automobile during a Caracas Armed Forces Day procession, wounding the President and killing two others. A Venezuelan naval officer later admitted that the elaborate bomb was prepared in the Dominican Republic, presumably as an act of retaliation against Venezuela for having asked the OAS in February 1960, to censure Trujillo for "flagrant violations of human rights."

In August that same year, the Organization of American States did censure the Dominican Republic, and the US and several Latin American nations thereupon suspended diplomatic relations with the Trujillo regime, though Washington kept a consulate in Ciudad Trujillo to protect its commercial interests.

This was one of the stormiest periods of Trujillo's 31-year rule. On June 14, 1959, the Dominican Republic's southern coast had been invaded by Cuba-based Dominican exiles. They were wiped out, but then Trujillo uncovered a plot to kill him, only 24 hours before it was to be carried out on January 21, 1960. Mass purges, arrests and some killings followed. Tensions within the regime mounted rapidly, as did its Byzantine-style ruler's greed. Assuming the presidency of the Dominican Central Bank, the dictator forced exporters, as part of an "austerity" program, to deposit with the bank half of their dollar earnings, which soon found their way into Trujillo accounts abroad.

During this time, Trujillo was completing an intensive drive, begun in the mid-1950s with the purchase of the Haina complex of sugar mills and lands in the southern part of the Republic, to expand sugar production and appropriate more and more of it to himself. He went so far as to deprive thousands of peasant families of their squatters' settlements, forcing them to sell their cattle and work as sugar peons. It had been hoped, of course, that the Dominican Republic would get a generous share of the US sugar quota previously allotted to Cuba. An intensive Washington lobbying campaign was carried on to this end, largely through the Dominican Consul-General in Washington, Marco A. Pena. In the late summer of 1960, Congress did raise the Dominican allotment from 27,000 to 250,000 tons, but President Eisenhower slapped a punitive excise tax on it in September, after the OAS ministerial conference voted economic sanctions against the Trujillo regime and a break of diplomatic relations.

As Trujillo's political and financial problems deepened, talks continued between Dearborn, Barfield and leaders of the anti-Trujillo conspiracy. Toward the end of 1960, contact was established between Amiama and a CIA agent who, according to Arturo R. Espaillat, former head of Trujillo's Military Intelligence Service, was named Plato Cox. Espaillat made this statement in a press conference in Ottawa in 1962; his word alone cannot, of course, be accepted as conclusive proof. But whatever the name of the agent, the smuggling of firearms into the Republic for the assassination began.

The key link between the assassins and the CIA in the arms shipments was a long-time American

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civilian resident of Ciudad Trujillo, Lorenzo Perry, otherwise known as "Wimpy," who operated a supermarket in a fashionable neighborhood where Trujillo also lived. "Wimpy" was put under brief arrest after the killing but was later allowed to leave the country.

The weapons were imported in small parts, to be assembled later by the plotters, among the routine grocery shipments for the supermarket arriving regularly in the capital's port. The gun-parts entered the Republic in specially marked food cans, which were later turned over to the conspirators.

Plans for the intended assassination were worked out during the same period in which the abortive assault on Cuba was being prepared. However, when the CIA-organized April 17, 1961 invasion at the Bay of Pigs failed and world attention was focused on Washington's complicity in that operation, a postponement of the attempt on Trujillo's life was ordered because of the embarrassment another such failure might cause the United States. But the order to hold up came too late. According to what I was told in the Dominican Republic, the needed weapons were already in the hands of the conspirators, who refused appeals by Dearborn and Barfield to delay the assassination. They insisted on moving at the first opportunity. This came on May 30, when Trujillo and his chauffeur drove out into the country in an unescorted 1959 Chevrolet for a rendezvous at a San Cristobal estate, *La Fundacion*, with Trujillo's 20-year-old mistress, Mona Sanchez.

It was Trujillo's custom to call on his 94-year-old mother, Julia Molina, before going on to *La Fundacion* His departure for San Cristobal from his mother's home was signaled to the killers by Sen. Modesto Diaz, a neighbor of Julia Molina and brother of Brig. Gen. Juan Tomas Diaz, one of the principal gunmen in the plot. It is said that General Diaz was bitter toward Trujillo because of his forced, premature retirement from the army in 1960 on the dictator's orders.

The plan was to finish off Trujillo, seize control, form a provisional government to be recognized by the US, and hold the elections which Trujillo had promised for May 1962. The assassins intended to be candidates.

The scheme, however, was frustrated soon after the murder when the assassins could not locate Gen. Roman Fernandez, who had been ordered to the San Isidro Air Force Base that afternoon by Trujillo and told to stay there until some administrative irregularities were corrected. Since he was thus kept 10 miles outside Ciudad Trujillo until next morning, Roman was not able to carry out the assignment he had been given. General Roman was to have summoned the entire Trujillo clan to La Fortaleza de Ozama in the capital, informed them of Trujillo's death and had them killed on the spot.

Around 10:30 pm on May 30, two carloads of gunmen fired 27 shots into the dictator's body and pummelled it mercilessly on the main highway between the capital and the Agricultural Fair Grounds, where Trujillo annually received tributes for his prize cattle. Having dumped the riddled corpse into the trunk of one of the attack cars, the assassins went to the house of Roman, only to learn there he was not in the capital. They then scattered. In succeeding days all the known assassins, including Roman, were rounded up and slain either at once or shortly before the mass departure of the Trujillo family in November 1961. The two surviving exceptions were Imbert and Amiama.

It can be reported on excellent authority that close associates of the slain dictator knew of the US role within a few days following the killing. Almost immediately upon his May 31 return from Paris to assume command of the Dominican armed forces, Lt. Gen. Rafael (Ramfis) Trujillo Jr. was fully briefed.

However, Ramfis and other retainers of the dead dictator were warned not to launch reprisals against Americans involved in the plot. Ramfis' hand was probably stayed also by the presence of numerous foreign newsman in Ciudad Trujillo within 48 hours after the assassination, and the reported readiness of US naval and marine forces, waiting in off-shore waters, to intervene in the Dominican Republic should there be any loss of American life or property. Likewise, an OAS fact-finding commission arrived in early June, and that may have helped prevent a bloodbath. Ramfis' six months in power did, however, allow him to liquidate what moveable family wealth he could. US diplomats were telling him that if he behaved himself he could leave the country a rich man, which he did. He "donated" the family sugar mills and lands to the nation.

Dearborn, Barfield and Berry had meanwhile been rushed out of the Dominican Republic by US officials. Subsequently, Dearborn went to Colombia as Consul, and Barfield first to Italy and then to Washington where he was a staff assistant to Edwin Martin, Assistant Secretary of State for Inter-American Affairs. Since the ouster of the Trujillos, Perry ("Wimpy") has returned to operate his handsomely appointed supermarket in Santo Domingo, greeting customers with calm and courtesy, as if Trujillo had never lived.

Norman Gall

Mr. Gall's article first appeared in the April 13, 1963 issue of *The New Republic.*

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including the Women's Strike for Peace, the Student Nonviolent Coordinating Committee, the National Mobilization Committee to End the War, and the Southern Christian Leadership Conference. The infiltrators sought to learn whatever they could about the organizations, including their domestic sources of funds and the names of those who attended meetings. To learn their identities, some of the participants in these meetings were followed home. In the words of the report, "the Agency's infiltration of dissident groups in the Washington area went far beyond steps necessary to protect the Agency's own facilities, personnel and operations."

The DCI made no mention in his statement to the congressional committees of yet a third CIA operation directed at domestic dissidents. This entirely separate project, run by the Office of Security, maintained more than 5000 files on dissident organizations and individuals including some 12,000 names, and published weekly from 1968 to 1972 "Situation Information Reports" dealing with dissident activity in the US.

Other illegal activities. The Hersh story reported that in addition to the activities directed at domestic dissidents, the CIA had also engaged in dozens of other illegal activities, including "break-ins, wiretapping, and the surreptitious opening of mail." These, Hersh reported, were a "different category of domestic activities carried out as part of operations aimed at suspected foreign intelligence." These facts too were fully confirmed in the Rockefeller report. The commission provided the details Hersh could not get and it yields insight into the agency's view of its relation to the laws of the land.

The commission report devotes considerable attention to the agency's programs to open first-class mail. These operations, running from 1953 to 1973, were the largest, clearly illegal and unconstitutional programs discovered by the commission. Colby in his statement to the Senate committee dealt with these allegations in deadpan fashion in a single page. He asserted that the primary purpose was to identify individuals in active correspondence with Communist countries for "counterintelligence purposes, the results being shared with the FBI." That sentence would not enable one to infer that the CIA did not even inform the FBI that it was operating the program. It was only when the bureau approached the postal authorities to propose a similar scheme of mail covers that the agency told the bureau what it was up to and agreed to share the fruits.

Colby's statement does not acknowledge that the program was illegal and unconstitutional. It is only from the commission report that we learn that the agency was aware from the beginning that the operation was illegal and that CIA officials, including Richard Helms, deliberately deceived postal authorities into thinking that the operation was limited to mail covers, *i.e.*, to the copying of information off envelopes. The details of how the agency deceived postal authorities provides an interesting study of CIA disinformation techniques as applied to other government agencies. The discussion of "cover stories" to use with the public should the operations' existence leak provides evidence of the conscious nature of the CIA's use of false information to mislead the public.

A careful reading of the Colby statement gives no hint as to the scope or dimensions of the program. The DCI lists each of the operations reported by the commission with the significant exception of 12 separate operations to open the mail of American citizens who had no connection with the agency. But there is no suggestion of the magnitude revealed by the commission report:

> *Statistics gathered by the CIA show that in the last full year of its operation, the New York mail intercept handled approximately 4,350,000 items of mail and examined the outside of over 2,300,000 of those items. Photographs were taken of the exteriors of approximately 33,000 items. Some 8,700 items were opened and the contents analyzed.*
>
> *Selections for opening were made on the basis of a watch list given to the crew and upon various other intelligence factors. During the last year, approximately 5,000 of the selections were made on the basis of the watch list.*
>
> *In the last year, the program made over 3,800 separate disseminations of information derived from the project within the Agency and sent some 1,400 separate items of information to the FBI. At the end of 1972, the active watch list of names totaled approximately 600. The number of names watch-listed varied from month to month as they were supplied by CIA components and the FBI.*
>
> *Although only mail coming into the United States was intercepted in the early years of the project, both outgoing and incoming mail were involved during most of the project's operation. CIA personnel estimate that, overall, approximately 30 percent of the mail intercepted was outgoing.*
>
> *The project not only disseminated current information but provided file data back to 1955 in a compartmented, computerized machine record system containing almost 2,000,000 entries. Institutional and organizational files were also maintained for reference and analytical purposes.*

One minor CIA ploy not cleared up by the commission report concerns the opening of mail to and from non-Communist countries. The original Colby statement talked of opening mail to and from "two Communist countries." In a correction sheet released a month later that phrase was changed to "countries, mostly Communist." The commission does not comment on this change (as noted it refers not at all to these Colby statements) and seems to suggest that only mail to and from Communist states was opened. Colby told the Senate that the last of the mail surveillance program ended in 1973. He neglected to mention that this was only because a postal inspector, who had been a CIA official, ordered the agency to end the program.

The Rockefeller Commission report deals with the charges of illegal wiretaps and burglaries in a single

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section in which it discusses agency "special coverage" of American citizens. As usual we find Colby with his numbers too low and with no hint of illegality. The DCI's statement reports four break-ins; the commission found 12. Colby admits to 27 wiretaps; the commission found 32 and 32 bugs in addition. It also found 16 illegal examinations of tax returns and the 12 individual mail openings described above. The commission reports more than 100 cases of "special coverage" involving one or more of these techniques.

Despite the alleged comprehensive nature of his description of CIA domestic activities, Colby did not report on other illegal or unauthorized activities noted by the commission in its report. Among these are:

- giving LSD to unsuspecting Americans, one of whom killed himself as a result
- holding a defector in solitary confinement in the United States for three years
- aiding the Bureau of Narcotics in violation of the CIA charter
- giving gratuities to local police forces
- securing telephone records for the National Security Agency.

In many of these and other cases the Commission reaches the conclusion that the agency clearly violated its charter, the laws of the land, and the Constitution.

The Report. When the Rockefeller panel was appointed by the President, many critics predicted that this panel of eight establishment figures, including, besides the Vice President, Ronald Reagan, Lyman Lemnitzer and C. Douglas Dillon, would produce a whitewash. First reactions to the report reflected pleasant surprise at the detail provided. However a closer look makes plain why the commission reveals what it did. The tone and recommendations of the report reveal the next line of defense to which supporters of the CIA are retreating.

Early in its deliberations the Rockefeller Commission must have become aware of the Schlesinger study and the inspector general's report covering most, if not all, of the episodes in the commission report. The commission members knew that the Church committee investigating this matter for the Senate had this material and would eventually make it public. To fail to provide the information now would be to discredit the entire commission and its recommendations when the Senate committee reported and the debate on what to do got underway. A report issued now without detailed facts would have been branded as a whitewash.

The candid tone of the report has earned it a respectful hearing. Many editorial writers and commentators have adopted the tone and approach of the report. The abuses are to be deplored but we need a secret intelligence agency to counter the Communists.

The commission's style is reflected in the second chapter of the report titled the "Need for Intelligence," which notes that the "United States remains the principal intelligence target of the Communist bloc." The chapter closes with this curious sentence:

> *Americans have a right to be uneasy if not seriously disturbed at the real possibility that their personal and business activities which they discuss freely over the telephone could be recorded and analyzed by agents of foreign powers.*

One would suppose that this is intended in some way to justify the same intrusions on our privacy by the CIA.

Having set the tone in the opening section, the commission remains consistent. Flagrant abuses of the Constitution are described with no sense of outrage. Agency explanations of the need to take the illegal actions in order to perform its assigned missions are accepted in general without question. The commission members evidently believe that the agency has the right to investigate what it calls "dissident" organizations and individuals even if they have broken no laws and show every intention of remaining law abiding. The commission knows a "dissident" when it sees one. Thus it reports without comment that such peaceful and nonviolent groups as the Women's Strike for Peace and the Southern Christian Leadership Conference, among others, are dissident groups but reports that a few non-dissidents such as Father Hesburgh somehow crept into the files.

When it turns to recommendations, the commission lays out the approach likely to be adopted by the Ford administration, the agency and its supporters. First the report notes that many of the activities discussed in the report were terminated in 1973. It presents a total of 29 recommendations of various kinds. On the whole they add up to saying that the President and the director should issue instructions that the agency must obey the law. Various internal monitoring mechanisms are to be beefed up and a joint congressional oversight committee is to be created. The budget of the agency might, the commission suggests, be made public at least in part and other material should be declassified. At the same time the commission endorses a law making it a crime for present or former employees to divulge classified information learned in the course of their employment. The commission doesn't even comment on the fact that such a law would have made criminal the leaks that forced the information in the report to surface.

Most important are the commission's recommendations on what domestic security functions the agency should have. The basic commission approach is to avoid the problem of the agency violating its charter in the future by authorizing it to do the things it has done in the past in violation of its charter. If the recommendations of the commission were accepted, the agency would be able to resume most of the programs it terminated in 1973 subject only to whatever deference it chooses to give to the Constitution and the general laws of the land.

These startling suggestions are stated so matter of factly as recommendations (1) and (2) that they have

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occasioned little comment. In recommendation (1), the commission proposes that the agency be permitted to approach willing sources in the United States openly and be prohibited from efforts directed at unknowing American citizens. It would thereby sanction covert operations aimed at gathering intelligence from foreigners in the United States. Then, in recommendation (2), the commission would authorize the agency to engage in collection of information about American citizens in the following circumstances:

> *a) Persons presently or formerly affiliated, or being considered for affiliation, with the CIA, directly or indirectly, or others who require clearance by the CIA to receive classified information;*
> *b) Persons or activities that pose a clear threat to CIA facilities or personnel, provided that proper coordination with the FBI is accomplished;*
> *c) Persons suspected of espionage or other illegal activities relating to foreign intelligence, provided that proper coordination with the FBI is accomplished.*

Thus, the agency would have authority for most of its domestic programs. These proposals would, of course, give the agency the domestic police and internal security functions that Congress explicitly denied to the CIA when it set up the agency in 1947. It would ignore the warnings issued then about the dangers of a super secret agency coming to operate at home and infringe on the liberties of American citizens. And it would do so in the face of some 200 pages of its own evidence that those fears were well founded.

The legislative history of the creation of the CIA is very clear. Congress intended that the agency do nothing in the US but maintain a headquarters and train its personnel. That there was to be only one exception to this rule—the overt collection of information about foreign activities from willing sources in the US—is made explicit in an exchange between a congressman and Allen Dulles in a closed House hearing on the bill creating the agency.

In light of the evidence presented by the commission, it would be foolhardy to do anything but return to this original understanding. The CIA must be told by the Congress that it may not operate at home. Congress must spell out in explicit detail all of the things that cannot be done. It must then make the violations of this law and failure to report the violations to the Attorney General criminal offenses. The right to sue for civil damages should also be made available to those whose rights are violated by the agency.

Nothing short of this will be sufficient to create even the possibility that the agency will not in the future succumb to external or internal pressures and resume its massive illegal domestic surveillance.

In the domestic field what must be done is clear. The commission has given us all the facts we should need to conclude that a secret spy agency cannot be permitted to operate at home. We can expect a new disinformation campaign to assure us that all is well and that we need only to adopt the commission proposals. If the Congress and the public fall for that line they will get the government they deserve.

Malpractice

The Doctors' Discomfort

by Paul Starr

Few things are more revealing of the character of people and social institutions than the handling of mistakes. An error of judgment or understanding, a lapse of honesty, memory or skill, a breach of a social code seems to reflect on our competence or integrity, and easily becomes the subject of intense emotion. This is especially so in an enterprise like medicine, where the consequences of seemingly trivial mistakes are often staggering. For the physician, moreover, the ability to project competence and disarm anxiety is part of the therapeutic task itself. So mistakes in medicine, even tragic ones, have generally been kept within the fraternal circle, out of a happy coincidence of therapeutic discretion and common self-interest. Open criticism by one physician of another, especially to a patient, has been not merely frowned upon, but thought positively unethical. For decades victims of even the grossest

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malpractice found it virtually impossible to locate medical witnesses to testify in court against their colleagues. This league of silence never, of course, constituted a "malpractice crisis"; it was merely a fact.

The league of silence that formerly kept litigation in check has broken down, at least enough for malpractice suits to have turned into both an economic and emotional issue for the profession. The physicians are now seeking the functional equivalent of silence—some means of limiting their liability or subsidizing their insurance costs. Having long opposed government intervention in health insurance for the public, they now want government intervention to resolve their own insurance problems. Furthermore they are not to be kept waiting. Health insurance can, of course, be put off to next year, even as hospital costs approach $200 a day, but malpractice insurance costs must be dealt with at once.

In the malpractice controversy the physicians are in the fortunate position of being able to enlist a public interest while pursuing their own. Rising insurance rates have threatened to impede the supply of physicians by forcing some practitioners in semi-retirement to cease practice altogether and by discouraging or preventing young doctors from going into practice in some areas of the country. Higher premiums have also caused some further inflation in medical costs. But beyond the rise in insurance rates that touched off the current crisis—with its threats by insurance carriers to withdraw coverage in several states, slowdowns and strikes by physicians in California and New York, unrest elsewhere, emergency sessions of medical societies and state legislatures—there lies a set of chronic problems and inequities in the handling of medical malpractice.

The malpractice liability system is one of those social institutions whose objective behavior bears only the slightest connection with its ostensible purposes. The bulk of its costs, some estimates suggest as much as 80 percent, go to administrative and legal expenses rather than payments to victims. Settlements take an average of seven years. The entire system is arbitrary and erratic: a few injured patients receive vast sums, while the majority go completely uncompensated. Many patients with valid claims have no redress because the damages they could collect are insufficient to attract a lawyer. As Eli Bernzweig, director of a 1973 federal commission on medical malpractice, argues, the system fails consumers by making it "economically impractical to process small claims, inordinately expensive to process slightly larger claims and extremely uncertain to process the large claims." It fails the courts by burdening them with lengthy and expensive litigation, all of which is aimed at determining the question of fault—an issue of relatively little concern to the patients who are more interested in obtaining compensation for their injuries than in fixing blame.

The system has at best a mixed effect on the quality of health care, and a baleful effect on its cost. It doesn't so much deter medical injuries as encourage medical practices that make injuries defensible in court if they occur. "Defensive medicine" becomes a further drain on public resources.

One might ask several basic things of a malpractice system—that it compensate victims fairly, deter injuries effectively and cost relatively little to administer. Not one of these criteria is now met. "The system as a whole," says Bernzweig, "is a colossal failure."

Yet this failure is not the occasion of the current uproar. The inadequacies of the malpractice system have been apparent for some time and yet the system had long survived without a tremor. Its troubles began only when insurance costs went out of control. Popular analyses of the current crisis point to a variety of causes—rising consumerism, exaggerated expectations of medicine, changing legal doctrines, increasing depersonalization of the doctor-patient relationship. Certainly these may have contributed to the growth of litigation. But the press has missed the most obvious and direct reason for the crisis. The immediate and sufficient cause is that the system has ceased to serve the interests of two powerful parties—the physicians and insurance companies. To understand that is to understand something about how the crisis is likely to be resolved, and why the malpractice problem, in its more fundamental aspects, may not.

A crisis of any kind is a moment of potential discontinuity in social affairs, simultaneously a danger and an opportunity: a danger to the orderly operation of a social system but also an opportunity for those who wish to change it in some way. For this reason, crises are not always resisted; on the contrary, they are often welcomed. A crisis can be a truly marvelous mechanism for the withdrawal or suspension of established rights, and the acquisition and legitimation of new privileges. The power to create crises (and the opportunities they bring) and, just as important, the power to define them are not distributed equally in society. Some groups are better positioned than others to promote their conception of events and to enlarge their discomforts into social concerns. This is the case with the malpractice crisis. It is the malpractice problems of physicians and insurers, rather than those of patients, that now constitute a crisis. This is a reflection not so much of the relative seriousness of their difficulties as of their relative power to turn private into public troubles.

These two groups, the physicians and insurers, along with the legal profession, dominate the current situation. Within this triad all the terms of debate are set. Whatever the resolution of the current crisis, it will almost certainly have to satisfy the interests of the three dominant parties. Less certainly will it have to satisfy the interests of the public. The public has no clear conception of what its interests are, whereas the

(continued on page 20)

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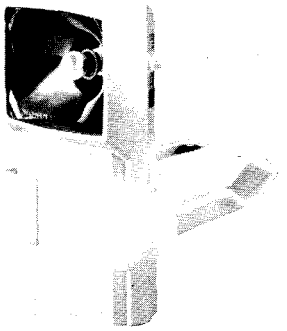
TOOLS FOR LIVING



THE LIGHT FANTASTIC

"Ardent bicyclists have long lamented the fact that there was not one well-designed, soundly built bicycle light to be had," writes Bruce Coppola from Roseville, Michigan. "We have had to put up with drag-inducing generators or bulky, unreliable, chintzy battery-powered toys. But now the Wonder Corporation has begun distributing the Wonder Bike Headlite.

"The headlight is small, molded of high-impact plastic, and powered by an amazing little battery included in the light that puts out 4.5 volts—equal to three D flashlight batteries—which means this light shoots out a powerful beam. The switch is reliable, the strong two-piece bracket swivels to any position and stays where you put it. The light also slips out of its bracket to become a powerful palm-size flashlight."

Mr. Coppola told us that this headlight is new and might not be widely distributed yet; you can purchase one from us for $6 postpaid. (A-1)

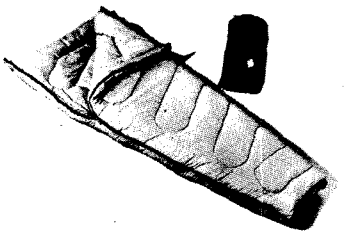
BOOKSERVICE

For the avid reader and the person who gives books as gifts, BOOKSERVICE is the bargain tool of the century. First, members are never obligated to buy anything, so it's not a "book club."

Members receive discounts of 25% to 60% on any books they do want to buy, *including best sellers.* In addition, every two weeks they receive *Bookletter,* lively and packed with information about books . . . new and old and lots of special bargains. Reviews and features are short, entertaining, stimulating, written by people who like books and edited by the staff of *Harper's Magazine.*

As icing on the members' cake, they also receive *Harper's Magazine* every month (see "The Best Tool" elsewhere on this page for description).

All the above is included in the semi-annual dues of only $7.50. (A-2)



SACKED OUT

One of our favorite photographers, John Diele, offers this restful advice:

"If you're out in the wild, cramped in the back seat of the family car, or crashing on a friend's kitchen floor, do not entrust your body to an uncomfortable sleeping bag. Get Sportline's Blue Mountain Backpack Bag.

"Everything about this bag is appealing," Diele claims: "It's a lightweight two-and-a-half pounds, very compactible into its own stuff bag. Its tapered thirty-four-by-seventy-six-inch form will easily fit and protect a six-footer, head and all. With a temperature rating as low as fifteen degrees Fahrenheit, it is practical and comfortable for most camping and crashing situations. Weather flaps retain precious body heat and keep out drafts. The fill is Du Pont Dacron Fiberfill II; the outer cover, water repellent and soil resistant; the lining, ripstop nylon, with a ninety-seven-inch nylon zipper and drawstring top for maximum temperature control.

"If you happen to be caught in the rain or to roll down a slight grade into a lake, you'll find that this bag has an amazingly fast drying time. It's hand or machine washable.

"The stuff bag can be used not only to carry and protect the sleeping bag, but also for collecting firewood, pine needles, rocks, and other items of interest, or it could be used to haul away a dozen or so apples liberated from an orchard."

Blue Mountain sleeping bag is economically priced at $35 (+$2.50) from us. (A-4)

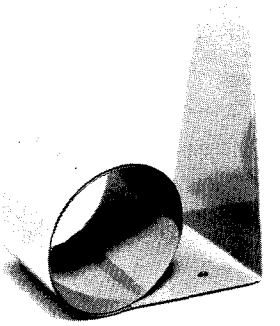
PAYING FOR COLLEGE

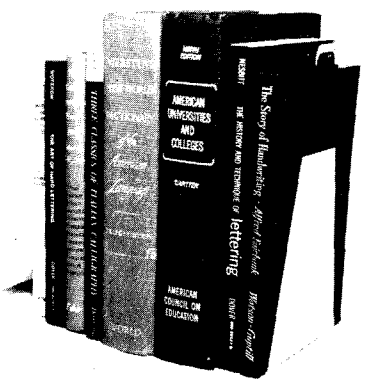
Even in these depressing times, there's a lot of money around in the form of college scholarships. Unfortunately, almost all of it is restricted—to people with the highest grades or the poorest parents, to premed students or aspiring engineers, to boys named Leavenworth or girls with widowed mothers. Matching sources of aid with qualified applicants is a Herculean task, but it does not appear to daunt S. Robert Freede's Scholarship Search.

Freede's computers have a data bank of 250,000 items, with a total of $500 million to offer. For $39, he will undertake to provide you with at least five sources (or $5,000 worth) of aid for which you specifically qualify; failing that, he'll refund your money.

Obviously, Scholarship Search can't do more than acquaint you with opportunities; actually getting the cash is your job from then on. But it does seem to have found a way to tilt the cornucopia in your direction.

For $1 you can get detailed information and the application form; then you can decide whether you want to enroll. If you'd rather skip that step, you can enroll immediately for $39. (A-3)





PHYSICS FOR THE BOOKISH

Have you ever wondered why bookends never work? There's a hint in the fact they are called bookends rather than bookholders. Even if you find a pair heavy enough to resist the weight of a number of books, what happens when you remove a couple from the center? Right. The domino theory in action. Well, we've come across a solution that's based more on the enclave theory—and it works. It's called Bookworm and is made by Pentalic Corp. A spring steel coil on one end pulls the books firmly against the flat endpiece. Take out a book or two and the coil rolls up smoothly, keeping the others just as securely in place as before. Simple.

The basic model costs $6.95 and is all steel enameled in red, blue, black, or white. Fancier models—with teak endpieces, for example—really don't look as nice and cost a lot more. Bookworm is available in some stationery and department stores, or by mail through us. (A-5)

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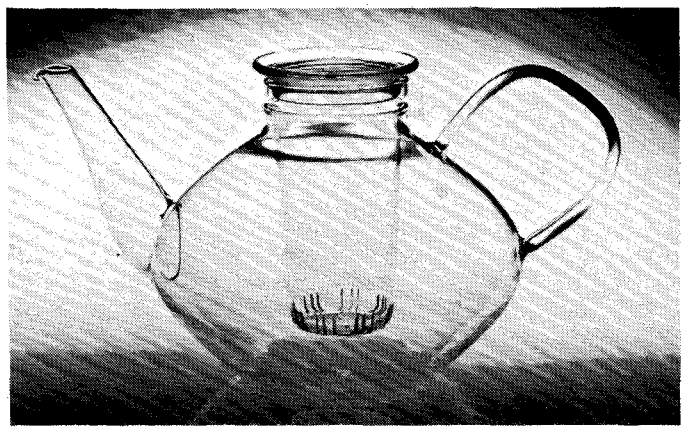
A service of Harper's Magazine Co. Items shown here may be ordered following instructions under "How to Order." Tools for Living appears every month in Harper's Magazine. For further information see "The Best Tool" and "Bookservice" below.



SEEING THROUGH TO THE TEA

Tea can soothe the nerves, quiet an upset stomach, cleanse your skin, even dye your ribbons. Its aroma is very subtle; not until you take your first sip can you really appreciate the special fragrance of the Darjeeling, orange pekoe, oolong, or tisane. And the full flavor of the tea can't be brought out unless the water is boiling furiously and the tea can steep properly.

The Museum of Modern Art liked this teapot's appearance so much that it's been placed in the design collection there. The teapot, made out of strong, thin, glass, is pure joy in its shape and simplicity. Tea leaves go into a glass cylinder with slits in the bottom. When the hot water is poured through the leaves and into the pot, a brown cloud spreads slowly through the water until it reaches a consistent color and you know the tea is ready to drink. The problem with most pots is that the leaves stay in, making the second cup too strong. With this pot, you stop the brewing instantly by simply removing the cylinder.

You can get the Jenaer Glas teapot from us for $23. (A-6)

POCKET PACKING

A rucksack that becomes a pocket you can hang from your belt? We hadn't seen anything like that since the Vacuum Cleaner-Nosed Sucker from the *Yellow Submarine* sucked himself into oblivion. But David Rosenduft, a mountain-climbing reader from Brooklyn, New York, told us about it.

"I was climbing near Jackson Hole, Wyoming, and I needed something to carry my photography equipment in when I discovered the pocket pack. This looks like a small zippered tobacco pouch with belt loops, but a full-size nylon backpack with adjustable straps unfolds from it like a butterfly emerging from its chrysalis.

"You can put a great deal of stuff into this pack. I use it to carry all my cameras, lenses, and film, and I also regularly fill the pack with reference and textbooks to read while I'm commuting to classes. The best feature of this pocket pack is that it can be worn all folded up on your belt until you need it and then unfolded into a rucksack to carry anything from groceries to field specimens. It also makes a great overnight bag."

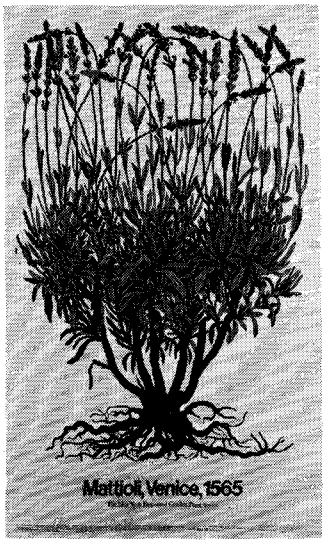
The pocket pack is available in two sizes—small (18"x 11"x6½") for $5 or large (24"x13"x6½") for $6.25. (A-7)

THE BEST TOOL

Harper's Magazine is America's oldest monthly for a good and abiding reason. It has managed to change with the times, to reflect what the society expects of itself in the present moment of its story. The authors who contribute to the magazine (many of them well-known; many of them not) try to draw the lines of what the nation perceives as its moral geography.

But that's not all. Every month the 16-page WRAPAROUND section presents diverse points of view from a variety of people (including its own readers) on subjects of personal concern, e.g., marriage longevity, food, rediscovering your body, living with and without the automobile and family. TOOLS FOR LIVING, examples from which you see sprinkled around this page, is included in WRAPAROUND every month.

As a special introductory offer, you can use the coupon below to receive an eight-month trial subscription for $2.99 with the purchase of any other item on this page. Or, at no extra cost if you join BOOKSERVICE (described elsewhere on this page). If you only want *Harper's*, the eight-month trial is $5.98. (Regular annual price of *Harper's* is $8.97.) (A-8)



POSTER GARDEN

These two-by-three-foot plant prints have beautiful colors, faithfully reproduced by the N.Y. Botanical Gardens people, who found the pictures in one of their old books. One is a giant sunflower, one a lavender, one an assortment of herbs. The three of them look splendid together, but you can also order them separately. To keep the poster in good condition, buy corfoam—a lightweight styrofoam sandwiched between two layers of cardboard—at an art-supply store, rubber-cement the poster to it, and wrap the whole thing with acetate. Each poster is $4.85, and the set is $12.75. (A-9)

HOW TO ORDER

To order, fill in the coupon with the item number which appears at the end of each Tool description, the item name, the quantity of each item you want, the price. Fill in the total price for all items ordered, indicate whether payment is by check or bank card, including card number.

Reminder: *Harper's Magazine* is included at no extra cost with BOOKSERVICE dues. Separately the 8-month trial is $2.99 with the purchase of any other item, $5.98 if purchased alone (regularly $8.97 per year).

Send to: Tools for Living, Harper's Magazine, Department T4
Two Park Avenue, New York, N.Y. 10016

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three dominant parties most emphatically do.

Though the insurance companies triggered the crisis when jury awards rose and actuarial uncertainties increased, the physicians have now clearly taken the offensive on the issue. Their power consists not only in their influence as a profession, but in their strategic ability to close hospitals and thereby to draft laid-off workers and deferred patients into their effort to gain public concern and action. Indeed the physicians might have achieved quickly all their objectives, but for one troublesome fact: the legislatures of the country are comprised largely of representatives of their chief adversaries in this matter, the lawyers. George Bernard Shaw once remarked that every profession is a conspiracy against the laity. Fortunately, he was only partly right. Some professions are also conspiracies against each other.

There is no question that the current situation can be resolved; the real issue is on what terms and to whose advantage. The states have a wide variety of measures available that could curb rising malpractice rates. None of these, however, is economically neutral. Though usually described as "proposed reforms," almost all of them confer, transfer or extend subsidies, immunities, privileges or power.

Basically there are three points of intervention in the malpractice problem: the insurance, legal and medical systems. In pursuit of a solution, each of the three interest groups naturally tends to look to changes in the territory of the other two.

The insurance system has received the most immediate attention, mainly because of the threatened withdrawal of insurance carriers from the malpractice field. One immediate response has been the creation of a mandatory pool of casualty insurers to take over responsibility for malpractice coverage from companies withdrawing from the market. A minimally controversial measure, this nonetheless involves subsidizing malpractice insurance from funds contributed by the purchasers of all other casualty insurance in a state. Another measure typically discussed is the establishment of a special state fund (sometimes called a catastrophic loss fund) to pay for malpractice judgments above a given level (say $500,000). This effectively limits physicians' liability, and involves a direct public subsidy in the assumption of risk and administration. A third measure debated has been the elimination of rate differences among different medical specialties—a move that would reduce the highest premiums now being paid by subsidizing high-risk specialties like orthopedic surgery and anesthesiology at the expense of lower-risk specialties like psychiatry and family practice. A fourth measure, the development of physician-sponsored insurance companies, would transfer economic functions, giving the medical societies not only greater control over rates, but more importantly, an incentive for self-discipline. "State law," the director of the medical society in Maryland has noted, "gives us the authority to revoke doctors' licenses or to otherwise discipline them. That means we could crack down on the bad doctors brought to light by a large number of claims filed with our company." Such an approach would be effective in curbing insurance rates only if a relatively small number of "bad apples" in the profession account for the bulk of the malpractice claims. This is probably not true. In New York, where a self-insurance plan has been adopted, physicians insist it is inadequate and went on strike in protest.

The second point of intervention, the legal system, has been the physicians' real target. Several different aspects—legal fees, legal doctrine and the decison-making process—have been called into question. Contingent fees—under which lawyers receive a third to half of a judgment if they win a case and nothing if they lose—have borne the brunt of the attack. The elimination of contingent fees would resolve the malpractice crisis at a single blow by making it impossible for most lower and middle-income people to afford a suit. (It takes something like $5000 to bring an average malpractice case to court, and two-thirds of the cases are lost; the lawyer now takes that risk.) Unfortunately for the doctors, the lawyers who dominate the legislatures are unlikely to yield on the contingency arrangement and they have a point. However we might want to curb malpractice claims, restricting them on class lines seems the least defensible way. Moreover, for the physicians to claim there is a public interest in controlling lawyers' fees, after having so long cried "socialism" at the slightest attempt to regulate their own, is at the very least disingenuous. Less drastic than eliminating contingent fees would be the imposition of a "sliding scale," under which the proportion of a judgment going to a lawyer would decline as the award increased. Such a measure, while less objectionable, would also have less impact.

The changes in legal doctrine sought by physicians—more narrow limits on rules of evidence and the need for informed consent, shorter statutes of limitations, statutory definitions of malpractice—would restrict the grounds for and extent of recovery by patients. These measures, of varying persuasiveness, would reduce the liability of physicians by reversing the historical extension of patients' rights; some would

COMING: Charles L. Schultze on higher oil prices and a continuing recession

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confer on the medical profession new privileges in the form of special treatment under negligence law.

Changes in the decision-making process primarily involve modifications of the jury system—the establishment, for example, of screening panels to weed out unjustified claims or advisory panels to provide juries independent professional opinions. The assumption here is that many malpractice claims are frivolous and some jury decisions unreasonable, which may be so. But most claims, as the 1973 federal commission showed, have their basis in real injuries; interposing professional judgment in lay decisions will not change that. Still another alternative is the setting of upper limits on malpractice awards (already adopted in Indiana) or of fixed schedules of compensation for specific injuries. The effect of placing limits on recovery is plainly to let any additional losses lie on the victims; fixed schedules (in workmen's compensation, for example) become outdated and lag behind inflation. The justification for these measures is unclear; appellate courts already serve to moderate jury awards.

The principal aim of all these measures is merely to cut down on insurance costs. Of all the proposals being considered, only one—compulsory arbitration—seriously addresses some of the inequities of the malpractice system as well as meeting some of the physicians' demands for the control of costs. By reducing administrative expenses and quickening the pace of decision-making, arbitration makes it possible to process the more moderate claims that are overlooked in the legal system. It also tends to reduce inconsistency and arbitrariness without introducing the rigidity of a fixed compensation schedule. While more adequately meeting two of the objectives of a malpractice system mentioned earlier—fairness in compensation and minimization of administrative costs—arbitration would do little to improve performance on the third: deterrence of accidents and maintenance of the quality of care. However the functions of deterrence of accidents and compensation of victims might be accomplished through separate mechanisms (*e.g.*, deterrence through direct regulation of medical care, compensation through social security).

Changes in the medical system itself—the third point of intervention in the malpractice problem—have received relatively little attention in the recent debate. It is rather curious that no serious consideration has been given to reducing what might, in all innocence, be thought one of the leading causes of malpractice litigation—medical injuries themselves. Iatrogenic disease (that is, disease caused by medical treatment) represents an increasingly serious health problem. Injuries caused by the medical system need not be conceptualized in terms of individual negligence; they are an inescapable byproduct of the development of medicine, the risks and uncertainties in treatment, and statistically predictable variations in performance. The number of iatrogenic injuries is difficult to estimate; the director of the federal malpractice commission, following one technical study, has suggested two to four million annually as a reasonable figure. Very few of these ever come to litigation; most of the casualties go uncompensated. The preoccupation of the malpractice system with assigning fault has caused us to neglect the injuries themselves and the needs of the victims.

Some have argued, therefore, that we compensate victims without inquiring into negligence, under a system like no-fault automobile insurance. But proposals for no-fault compensation in medicine ("medical adversity insurance") have run into serious conceptual difficulties, primarily in the definition of a "compensable event." We would have to separate negative outcomes of medical care that result from treatment from those that result from the original medical condition; in many cases, the distinction would be hard to make. A patient dies on the operating table: was it because of his condition or the surgery? Even if causation could be determined, it would probably be expensive to do so, thereby eliminating any presumed administrative savings from a no-fault system. Moreover, if there is a deep well of iatrogenic disease, as many experts believe, the costs of a compensation system could be stupendous. Much of this expense would come from making submerged social costs economically visible, but politically it would still be unacceptable.

Yet, the process of identifying iatrogenic disease might have important benefits, particularly for the quality of medical care. Making the health system accountable for injuries might encourage it to prevent them more effectively. By letting the costs of the vast majority of medical injuries lie on its victims, we have enabled the medical system to escape one of its most substantial costs. The system may be overdeveloped: some procedures are probably being performed that would not be done if the full extent of iatrogenic disease had to be taken into account. Regular compensation of medical injuries could lead to much greater conservatism in the expansion of the health industry.

No change of this magnitude, however, is likely to emerge from the current malpractice crisis. For the immediate future, we can expect retention of the fault system, the creation of both insurance pools and self-insurance plans, chipping away at some legal doctrines and the jury system, possibly some greater internal discipline within the medical profession, upper limits on recoveries and perhaps on contingent fees. Almost all the changes likely to be made are attempts to resolve the malpractice issue without confronting the problem of iatrogenic disease; indeed, some may aggravate it by reducing physicians' liability without substituting any other kind of control. The least our public representatives can do on this issue is to tie concessions to the doctors on malpractice insurance costs to genuine reforms of the medical system.

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Stanley Kauffmann on films

Nashville

(Paramount)

The erratic Robert Altman has made a good picture, his best so far. His lesser pictures have had flaccid scripts, and he has relied on cinematic virtuosity and free-wheeling self-indulgence to make them interesting. (*Brewster McCloud, Images, California Split.*) They weren't. His better pictures have put a sly satirical humanist style at the service of organized scripts. (*M*A*S*H, The Long Goodbye.*) His best picture so far comes from his best script so far, treated—one can say in only slight overstatement—with an absence of style: handled with perceptive storyteller's skill, distilled and undemonstrative.

The author is Joan Tewkesbury, who also worked on Altman's *Thieves Like Us*, though presumably he had a good deal to do with this script. Nashville is the locus, not only because Nashville is the capital of a culture—the huge country-music business—but because that culture cuts right across the US, geographically and socially, somewhat as Hollywood used to do. And since no one is going to cut a transverse slice of America today without including politics, as exemplified in Mad-Ave campaigning, sex and violence, those things are in the picture, too, along with what used to be called folkways, lots of them. The method is analogous to the old-fashioned *roman fleuve*: instead of a single protagonist there are a number of interwoven stories, none of which is dominant, the sum of it all being the point of it all.

Altman and Tewkesbury use 24 characters, mostly people in the country-music world. Most of their stories are unified by the efforts of a political advance man to recruit stars for his candidate's rally in Nashville. (A very folksy candidate, by the way. We never actually see him, but the tenor of his talk sounds like Wallace.) None of the individual stories is particularly deep or complex, but most of them fix on moments of revelation in their subjects' lives, and most of them have some human validity. An exception, a narrative strand that smacks of script contrivance, concerns a would-be singer fleeing her farmer-husband who wants to take her home. She is played by the greatly gifted Barbara Harris, whose continual bad luck extends to getting the trickiest part in the picture.

Integral to the whole are 27 songs, many of them written by members of the cast who are not music professionals. The first and last songs bracket the picture. The first, with lyrics by the actor Henry Gibson and sung by him as a middle-aged Nashville star, tells how the US must be doing something right to have lasted two centuries. The last is done by Harris at the political rally to calm the crowd (and push her career) after a shooting. If that first-and-last irony is a bit too patent, still the many songs in between provide the habitat in which these various fish swim. My own ears, I confess, get tired of the country-music sound. Its fabricated "folk" quality begins to depress me after a while. Individual songs may be good or less good, but, in sum, what they show of the American passion for the charade of American pastoral innocence is eventually dispiriting.

Within this texture of 24 stories moving through music, Altman runs into some banalities of image. The vapid big party is with us again. A scene of a girl practicing how to shimmy her bosom in her bedroom, in front of a dresser covered with Catholic figurines, is heavy. There is a character weaving through the picture on an odd motorcycle, a magician who is never identified, who is a regrettable link with the consciously fey style of earlier Altman. (Compare this motorcyclist with the cyclist in *Amarcord* who is unfreighted with knowing symbolism and therefore is more truly symbolic.)

But there's no question that, overall, the picture succeeds. Occasionally Altman slips into the obvious, letting applause or laughter in one sequence blend into applause or laughter in the next sequence. Mostly the multiple stories are handled with fluency and control, the many parts established easily and revisited neatly. And mostly he has the nerve not to strain, just to build; to accrete; to rely on our perception, fairly soon, that the design of the film is more important than any one sequence. With Tewkesbury's precise dialogue and Altman's clear direction, the milieu is made, and the implications behind it—of the country that wants the milieu to exist—are strong. The nouveau riche vulgarity, the backstage bickering and crassness of the sweetness-and-true-love country singers, the fatuousness and fickleness of the audience, the political ballyhoo that wants to feed on show biz, all are part of the recipe that Altman uses to serve us up a slice of whopping, over-creamy, motor-lodge-restaurant layer cake.

Most of the actors are good. My favorite is Lily Tomlin, a singer, a wife (and mother of two deaf sons) who lets herself be drawn into a one-night fling with a young stud singer, knowing exactly what she is doing and why—a grave and humane performance. Ned Beatty is full of Dixie juices as her lawyer-husband. Keenan Wynn is pathetic as the broken old husband of a dying wife, further afflicted with a nearly demented groupie-nympho niece. Geraldine Chaplin is perfect as a BBC reporter doing a documentary on Nashville, a smooth ninny. Karen Black—not sweaty, for a change—is all right as a singing star. Allen Garfield is plumply grubby as another star's husband-manager. Elliott Gould and Julie Christie, both of whom have worked elsewhere for Altman, make brief appearances as themselves. Possibly they are meant to represent the intersecting plane of another kind of pop

(continued on page 33)

Films Worth Seeing

French Connection II. Gene Hackman, the narc detective, slamming through Marseilles. Less texture than *FC I*, not much less excitement.

Monty Python and the Holy Grail. Le Morte d'Arthur mortified. The Middle Ages were never like this, alas. Amusing rather than hilarious, still these days . . .

The Passenger. Anything by Antonioni must be seen. But what a grudging, terrible thing to have to say about a film by a master.

A Touch of Class. The 1973 comedy, widely revived and worth it. Glenda Jackson makes insubstantiality incredibly substantial.

SK

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Intellectual Realms

The Informed Vision
by David Hawkins

(Agathon Press/Schocken; $8.95)

David Hawkins is a philosopher of science with a longstanding interest in the education of young children. He directs the Mountain View Center for Environmental Education in Boulder, Colorado, which acts as an advisory service for classroom teachers and publishes a splendidly eclectic little educational magazine called *Outlook*. A number of the essays in *The Informed Vision* have already gathered a circle of admirers over the last 10 years; it is good to see them all together in one volume. They deserve a wide audience, for no one thinking about education today can match Hawkins' particular combination of gifts: a profound (sometimes disconcertingly arcane) grasp of science and the philosophy of science, a familiarity with life in classrooms and the variety of good teaching practice, and a fascination with children's minds.

The essays dealing with science and mathematics will be of particular interest to practitioners. "Messing About in Science" is a plea for open-ended science exploration that has already influenced many teachers. A special favorite of mine, "I, Thou, It," is a meditation on what Hawkins sees as the triangular relationship between a teacher (I), the student (Thou) and materials (It). All three sides of the triangle are necessary, he says, suggesting that much recent thinking along progressive or open lines has suffered by its neglect of It, the crucial importance of having some aspect of the real world for students and teachers to examine, whether it be a pendulum, a piece of writing or sculpture, glycerine and soap bubbles or whatever. The point is that good learning, like good conversation, arises from shared interests, and that generating such interests is the job of teaching. Hawkins is not saying that there is only one style of good teaching; he would concede that some teachers successfully exploit themselves as a charismatic I, and that others base their teaching on the I and Thou of mutual relationships with students. Neither self-dramatization nor warmth, however, should substitute for a respect for students as minds capable of investigating the things that make up our common world.

Two late essays are demanding and rewarding sketches toward a theory of education. "On Understanding the Understanding of Children" argues that the development of certain paradigms of scientific thought is slowly undermining mechanistic and behaviorist views of children's learning. "Human Nature and the Scope of Education" suggests that traditional philosophy's idea of human beings as equal, free and rational both accords with and qualifies the picture of childhood emerging from the work of psychologists like Jean Piaget. This is a closely reasoned polemic aimed at psychological theory and educational practice that treat children as passive objects and overlook the diversity and variety of childhood. He is impressed by Piagetian psychology's demonstration that childhood is above all a time of intellectual construction, in which children forge the structures of thought out of their encounters with experience. He is against all educational practice—behaviorist, traditional or technocratic—that limits children's exploration of the world and cuts them off from the kind of active experience that nourishes the growth of competence. I finished these late essays hoping that they are parts of a larger theoretical work in progress.

The title piece, "The Informed Vision," and "John Dewey Revisited" are dialogues with the ghost of John Dewey, especially the late Dewey of books like *Art as Experience*. Like Dewey, Hawkins is a scientific mind hoping to reestablish certain parts of what I call the high romantic synthesis of science and feeling on a new, more modestly empirical footing. All the manifold varieties of romanticisms are, of course, protests on behalf of the concrete and the organic against the abstract and mechanistic. In education and other realms, low romanticism has traditionally exalted the heart over the head, celebrating the irrational and the intuitive, and fearing science and rationality. High romanticism, on the other hand, is the recurring search for a saving middle way between the icy reductions of analysis and the undisciplined craziness of the solitary romantic ego. High romanticism welcomes science and reason within their proper domains. Its real enemy is scientism—all the partial, limited modes of thinking that deny the power and autonomy of the imagination and falsely claim to render a complete account of human existence. High romanticism is thus a quest for a mediating vision in which reason reinforces feeling in the exercise of the imagination. (That high romantic, Wallace Stevens, calls it reasoning "with a later reason.") No one was less romantic by temperament than Dewey. He was healthy minded to a fault. In an early part of his career, he was a brisk modernist rebel in the name of science against the irrational low romanticisms that make up the dominant American philosophical and literary traditions. Late in his life, though, it became clear that he was trying to be Emerson's heir in seeking a high romantic mediation between the abstractions of science and the values of concrete experience. *Art as Experience* was an effort to transcend the romantic past and to preserve its best insights. Its difficult, unfinished program meant acknowledging the validity of the standards and instrumentalities of science as well as legitimating the intrinsic "consummatory" values of art and shared experience. Dewey's synthesis was never completed. He never really applied it to his educational thought, for example, which suffered by being largely a product of his earlier formulations.

Dewey was trying to place man within the framework of a scientific universe and to show the ends science should serve: to naturalize man and humanize science. This is what Hawkins would like to do, too. For him, as for Dewey, the enterprise of art offers some important hints at what a new synthesis of reason and feeling might look like.

For Dewey, as for Hawkins, art and science are both intellectual realms, calling for discipline, standards and, above all, judgment. Each, however, is involved with different sorts of meaning. Science deals with that class of meaning posing abstract claims to truth, or what Dewey ended up calling warranted assertability. Art deals with concrete meanings. Science maps the world; art tells what it is like to walk through its greenness. There is another

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point about science that Hawkins thinks education has neglected to its loss. The activity of science—the actual process of discovery, the blend of synthesis, guess and analysis—is more akin to art than the results of science. It is true that scientific results have to be expressed in terms of abstract symbols and universal standards of verification; nevertheless doing science as a concrete endeavor involves an interplay of hand, eye, materials and intuition that has parallels to creative work in art. Dewey thought that the old idea that science is analysis and art synthesis was a totally misleading formulation, of no more validity than the Cartesian fiction of the mind as a lonely ghost inside the body's machine. Dewey was never a praying man, but I suspect his patron saint was the namesake of Joyce's Stephen Dedalus, the old Greek artificer and master artist-scientist who has been such an important symbol of the aspirations of literary and philosophical modernisms in this century. Dewey and the other modernist heirs of Dedalus did not believe that art and science were in conflict. They saw them as different points in the rhythm of the same dance of the human imagination over experience. They held to the old artificer's truth: that in both art and science we understand the world by acting on it.

Dewey was thus profoundly right, Hawkins argues, to see an affinity between one style of scientific work and the active probings and explorings of children in good classrooms. Anyone who has watched art and science in such a setting recognizes the quality of absorbed participation that reigns. Hawkins quotes from *Art as Experience:* "The spontaneous in art is complete absorption in subject matter that is fresh, the freshness of which holds and sustains emotion. Staleness of matter and obtrusion of calculation are the two enemies of spontaneity of expression." Good learning in science, art and other subjects has common elements of freshness, absorption and participation. The play between children's minds and the materials they are exploring can at moments illustrate, on the wing, the high romantic goal of the reasoned reinforcement of the imagination.

Hawkins is urging teachers to look beneath the surface of achieved and codified scientific knowledge to the underlying life of scientific inquiry that so few people ever take part in. He shares Dewey's anthropological horror at the spectacle of a culture whose material base is profoundly shaped by science, but whose people do not understand its malignity. It fights our wars, raises the GNP and helps ruin the environment. The fact that specialized science expresses a mode of living and thinking available only to an elite minority dismays Hawkins. His concern is political, in part: if knowledge is power, then elite control of science is a threat to us all. Politics aside, though, there is something disgraceful about a culture whose people are ignorant of their material and intellectual underpinnings; the sullen victims of the perversions of science and technology curse the day the genie ever left the bottle and stand superstitiously awaiting the next catastrophe. Hawkins may not take sufficient account of the fact that his ideal of science as an artisan's craft does not square with the bureaucratic workings of that highly political institution we might call Big Science. A sense of the nightmarish potential of Big Science—the sort of view expressed by Frederick Wiseman's film, *Primate,* for example—is not to be found in these essays. Yet Hawkins is surely right in noting that science is rarely taken part in for its own sake, as a way of informing and liberating our vision.

Hawkins is critical of Dewey on a number of points. Dewey never reworked his late emphasis on concrete values back into his formulations of science—he seems to have been ignorant of the practice of science—and thus, as Hawkins rightly complains, was apt to emphasize scientific method to the neglect of the actual content that all vital method must feed on. Hence too his tendency to forget the intrinsic pleasure of science. Hawkins says he has little difficulty with Dewey's notorious style, but balks at the tone: the blandness, the suspicious rhetorical ease with which Dewey achieves his harmonies and mediations of divergent realms, the innocent limits of his social imagination in reckoning with issues of power, social class and race. Yet in accepting Dewey's idea that the subject of education is a supreme challenge to philosophy, Hawkins has added some fascinating fragments to Dewey's sprawling, uncompleted edifice. These essays are working papers toward an education that would mediate reason, feeling and the imagination, pleas for a style of educating that, beginning in play and evolving into apprenticeship, encourages children to learn both a reverence for concrete experience and an active mastery of the proper place of symbols and abstractions in a scientific world.

The utopian complexity of Dewey's commitments means that each generation of his readers picks out a different set of his emphases. Like many practitioners in the latest round of progressive education, Hawkins does not focus on Dewey's interest in schools as social and moral communities. Perhaps this is because it is hard to talk well about what schools can do about moral and social development; sentimentality is a quality alien to Hawkins' whole cast of mind. Perhaps many of us are still spooked by the way classic progressive thinking kept getting twisted into a rationale for conformity, and, latterly, to groupiness. At any rate Hawkins' severely intellectual version of Dewey is grappling mainly with two problems: the high romantic synthesis, and the idea that knowledge might be made accessible to the active exploration of children along myriads of individual pathways. Both, of course, are aspirations, not settled educational achievements.

Anyone speaking on behalf of even a portion of Dewey's grand program has to speak humbly and doggedly, with what somebody once called the authority of failure. The tone of voice in these essays is different from the confident trumpeting of the progressive school reformers. Hawkins plainly lives with more pain in his hopes for the schools than the progressives ever felt, or at least showed. Like the late Dewey he has two necessary perspectives that are sadly missing from most of our debates on education. Most of us have yet to acknowledge that school is, after all, only one part of children's lives. We make vast claims on the schools. And the very size of our claims leads us to ignore smaller, daily possibilities. In the end what allowed Dewey to shake loose from his grandiose utopianism was his hardheaded focus on the importance of the present moments in teachers' and children's lives, the day-to-day quality of life in classrooms.

Hawkins has this perspective. He has been a sane voice throughout a turbulent period of educational criticism and reform, a thoughtful and friendly critic of the second round of the new education in the last 80 years of American history. He is impatient with the new education's chronic susceptibility to low, irrationalist romanticisms, its anti-intellectuality, its lack of confidence in legitimate adult authority, and its mistaken notion that its ideas invalidate all traditional practice and standards. Hawkins' work also shows the strengths to be found in the progressive tradition at

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its best. The child-centered progressives believed that the most radical step you can take in education is helping children learn to think. Without discounting the importance of skills, they pointed to the significance of the kind of active learning that goes on in play, and showed in actual practice the effectiveness of pedagogies and teaching materials that move children from play to more disciplined work. They thought that the present lives of children ought to have as much claim on teachers' goals for them as their futures, that schools—in a much-abused formulation—were life as well as preparation for life. The child-centered progressives hoped that schools would be cooperative communities of adults and children, but they worked against the historically conformist grain of American education. They emphasized children's diversity, and stressed the educational importance of the fact that childhood is a time of intellectual construction. Implicit in much of what the child-centered progressives wrote was a dissent from the essentially economic view of education held by many of the mainstream institutional progressive educators, who were busily intent on reordering the schools along corporate and managerial lines, as sieves for sorting students out according to their future jobs. Since then child-centered thought and pedagogy have figured as a distinct minority point of view in American education, more influential at some levels of schooling than others.

It is impossible to generalize about the most recent, ongoing wave of the new education. In some places its efforts have been a shambles. In some, the ideological pendulum is reversing itself, and educational reform of any sort, including the new education, is once again an endangered species. When the pendulum runs to extremes, meaningless cries for freedom get replaced by equally hollow slogans calling for a return to fundamentals. The simplicities spell little but trouble to classroom practitioners, whose lives are spent on the complex intersections and borders of contrary realms. In a number of places the latest round of the new education has produced impressive and very hard-earned examples of good progressive practice. The successes have been modest, at the individual school and classroom level. Some have involved getting more support and autonomy for teachers. Others have arisen from a desire to give parents more choices in education. The stories in a country as big and various as this are all local, and all different. This time around, at any rate, the new education has not been institutionalized as an orthodoxy. Its main influence has been as a diffuse and eclectic leaven in the practice of working teachers and in the educational thinking of parents. Without having notably triumphed or died out (*pace* Fred Hechinger, of *The New York Times*, who has written an obituary), it remains as one element in the terribly faddish, yet durable ferment that stays fitfully alive in the schools despite the eternal grittiness of the teaching business, conflicts with parents, racial tension, staff and budget cuts and the general national climate of gloom, confusion and reaction.

For all its confusion, the most recent round of the new education has raised important questions. It questions the passive conception of children's minds on which so much standard educational thinking seems to rest. And it questions the equally passive notion of teachers as mere conduits of educational policies, curriculums and administrative decrees. The new education recurs because the values behind it depend less on short-term fashions in education (which come and go, as cynical educators know) and more on the long-run series of social and cultural changes that have made more adults in this relatively privileged society conscious of childhood and the value of childish variety. The hangovers from recent reforms can be very painful, but the reforms themselves have been part of complex forces making our schools more various and diverse than they used to be, however monolithic they still remain. No one examining our institutions for children would mistake us for a child-centered civilization. But we are more of one today than we were in the past, and it is probably true that more thoughtful, often baffled professionals and parents share a greater belief in childhood as a time of construction than ever before.

David Hawkins does not have a five-point program to end our bafflement. Philosophers rarely do. What readers can take away from these subtle and penetrating essays is a glimpse of the meaning of a near-paradox: theory can be the most practical thing to do. Fortunately for us, this remains true in bad times, as well as good.

Joseph Featherstone

Joseph Featherstone teaches at the Harvard Graduate School of Education, and is working on a book on John Dewey.

Recent Fiction

Native Intelligence by Raymond Sokolov

(Harper & Row; $7.95)

Whatever happened to the Peace Corps? Such a question will undoubtedly occur to readers of Raymond Sokolov's first novel, *Native Intelligence*. Some readers may even discover the answer to their question reflected in the bizarre account of Sokolov's main character's life among the Xixis of Qatab, "the poorest and least populated nation in Latin America." More likely the answer will be found in Sokolov's hallucination of Peace Corps bureaucracy, government paranoiacs and CIA activities.

Not to suggest that *Native Intelligence* is a "serious" novel. It isn't. It simply made me wonder if there are Americans who still join the Peace Corps believing that people in developing nations can only be saved by cultural syncretism. Alan Casper, Sokolov's main character, holds no such beliefs—even though the outer narrative of Sokolov's story implies something slightly different: that the only good Peace Corps volunteer is a dead Peace Corps volunteer.

Alan joins the Peace Corps in 1963 after graduating as a linguistics major from Harvard, where, it was rumored, he learned 497 languages. Following a number of bureaucratic mix-ups, and an accidental encounter with President Kennedy, Alan finds himself in the remote village of Kuva, populated by a group of people known as the Xixis, who unknowingly are sitting on a rich deposit of uranium-235. Alan is their first outsider since 1835. Perceptive fellow that he is, he immediately identifies their system as "matrilineal polyandry spread across four exogamous clans that intermarry among themselves in a prescribed pattern determined by geographic-totemic moieties, [though] Kuva, as a village, is endogamous." Got that?

To the Xixis, Alan is still a child and, accordingly, is assigned a nine-year-old's task of collecting the night soil. Well intended volunteer that he is, he decides that he will teach the Xixis how to better themselves with the trench system, but his plans are only marginally effective. After a short time in Kuva he realizes that he is falling in love with Suri, a 13-

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year-old girl; and he learns that it is almost impossible to conceal the radiation warning device (foisted upon him by the CIA) inside his woven penis shield—the only thing he wears.

Enough. What carries the narrative along and gives the novel its remarkable buoyancy, is Sokolov's ability to parody almost everything that falls within his sight: modern-day anthropology, official government documents, linguistic studies of obscure languages, traditional folk tales of exotic people, even gourmet recipes. Lest readers think that I am making all of this up, it should be clarified that Sokolov has been a foreign correspondent, a journalist, a writer of food columns for *The New York Times*. All of his previous interests have spilled into his novel—a kind of parodic collage of Sokolov's earlier writing. There is throughout the story, for example, the ubiquitous presence of mouth-watering, yet anachronistic, meals served in the strangest places; and a crossword puzzle strategically placed at the middle of the narrative, intended for the reader to complete. (A note in the epilogue states that the answer to the puzzle may be had by sending a dollar to the author care of his publisher.)

The craziest thing in *Native Intelligence*, however, is Sokolov's put-down of anthropology-cum-structural-linguistics-à-la-Levi-Strauss. In the longest section of the novel, called "Totemism Today," there is an absolutely uproarious account of tribal initiation rites—an obvious parody of *Tristes Tropiques* with some Carlos Castaneda thrown in. There is also a several-thousand word glossary of supposed Xixi words appended to the back of the book, as well as journals, letters, newspaper clippings, poems, folktales and government directives. Fortunately most of this works, though there are times when the writing is acutely self-conscious.

As for the Peace Corps itself? No one has as yet written a serious novel about the Peace Corps; no ex-volunteer has written an account of what by now must be the shared experience of nearly 100,000 Americans overseas. Why is this so? Perhaps, like John Kennedy's Camelot, the Peace Corps was a phenomenon that never really was.

Charles R. Larson

Charles R. Larson, professor of literature at American University, joined the Peace Corps a year before Alan Casper.

Tereza Batista: Home From The Wars by Jorge Amado

(Knopf; $10)

If we were back in the 1940s Jorge Amado's new novel would be a great vehicle for Dorothy Dandridge, or maybe Rita Hayworth in brownface. His heroine, Tereza Batista, is a lithe and loving, copper-colored saint, a glorious nonesuch from the subcontinent, a fantastic beauty with a bod of bods, a prism of strength, a champion prostitute, a magnificent concubine, the personification of selflessness, a martyr to charity, a paradigm of virtue and fidelity, a cop-kicker and leper-licker, but also, sad to say, rather a bore, and a literary joke.

Amado has written a sensual, comic work this time out, again about Bahia in Brazil, again with all the lavish detail of life as it is lived in the torrential spew of his imagination. Amado has his champions in this country, after his success with *Gabriela, Clove and Cinnamon, Dona Flor and Her Two Husbands* and other work published here since 1962. He has been publishing novels in Brazil since 1931 and is a respected artist at home and elsewhere. Perhaps there are abundant readers in the US who will value this new work as they valued his others, who look to him for diversion from the North American landscape, and who revel in the small details of life in the provinces, the slums, the brothels and the aristocratic and bureaucratic degeneracies of Brazil.

Perhaps also, in his own language, the book is different from the product at hand. The translation of this new work is by Barbara Shelby and it is fine English. Yet it has the same quality to be found in the translations of Isaac Babel, another regionalist whose dialect and slang are not entirely lost in translation but arrive here like a package that has been too long at the bottom of the parcel post truck. It's not the same as it started out. Babel is a masterful writer, a giant of concision and meaning. Amado is logorrheic, repetitious and in quite another literary dimension from the Russian maestro. Yet their language comes at us from the funhouse mirror, and that distortion—once the art is missing—may be at the heart of why Amado makes it in Portuguese but not English.

Or is it simply that the art is clearly missing, even in Portuguese? Amado believes not only in repeating himself four, five, six times, but also in summarizing each of Teresa's adventures in advance, so that we not only drown in verbosity but we are also denied the surprise that even rotten fiction usually dangles before us.

He maneuvers us through the "wars" of his subtitle—all but one of the wars wholly involving Tereza, the yonic saint. We see her at the outset, in the full bloom of womanhood, falling in love with a sailor who sails away and leaves her forlorn during her time as a singularly sensual samba dancer. We flash backward then to her being sold as a child bride to the rich, vicious, sadistic, lecherous, one-dimensional brute, Captain Justo, and we carry along through the war she rages (and wins) against the captain's bizarre abuse of her body and soul.

On then we go to a smallpox epidemic when Tereza, like nurse Edith Cavell and other female bastions of grace under pressure, singlehandedly stands up against the raging plague, while the whole town cowers in fear. She is the power who organizes the local whores to isolate and treat the sick, haul away and bury the putrefying corpses. She and the girls do not get the plague, lucky for them, and her doctor lover runs off like a cowardly dog to save his worthless self. Does the world reward Tereza for her selflessness? Nix.

Tereza earns a respite from whoring, sadism and other poxy fates when she is taken in by the wonderful, thoughtful, refined, wealthy, intellectual, loving and kindly old aristocratic whoremaster, Dr. Emiliano Guedes. The randy old doc turns Tereza into a lady and is just about to write her into his will when, oops, he succumbs in the saddle. Amado then takes us back through the idyllic six years in which Tereza and the doc made sweet pudding together. And, in the words of Red Smith as he once watched a yacht race, Amado here opens up great new vistas of boredom to us.

The final fragment of this book—which is really a series of independent novellas entwined with recurring characters—is the best part of the work, a low-level spin-off from *Never On Sunday*, in which the whores of the town go on strike against an evil cartel of cops and real estate opportunists, just as the American fleet pulls into port. Tereza plays a minimal role in this section, for which a reader must be thankful. A statue comes down off its pedestal and gods materialize to save the whores and

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give the evildoers their ironic justice; in all an entertaining social farce is played out with more suspense than Amado heretofore saw fit to generate.

Tereza does have a small hand in this war and at the victorious end she is reunited with her sailor, who sails home from the sea just in time to save sweet Tess from a loveless marriage to a baker with plenty of dough. Our heroine is about to be mounted again at fadeout, but this time she likes it because it's for truly true love, the truest she's ever known.

Amado has made his book dense with superficiality, and in doughty Tereza he has created an affectionate, affronting literary icon for these times of multi-angular sexuality: a composite of Wonder Woman, Mary Magdalene, Lola Montes, Lupe Velez, Melina Mercouri, Clara Barton, Foxy Brown and Little Annie Fanny. *Ms.* magazine will probably not print an excerpt.

William Kennedy

William Kennedy's new novel, *Legs*, was published last month by Coward, McCann & Geoghegan.

Corregidora
by Gayl Jones

(Random House; $6.95)

Gayl Jones, a 26-year-old black woman, has written a first novel of great power, so emotionally raw that some readers may find it embarrassing. *Corregidora* has the sense of life not filtered through art—a feat, since this short novel has a stiffly literary structure that wouldn't seem to allow for much spontaneity and the baroque plot and occasionally elaborate writing strongly suggest *Absalom, Absalom!* But Gayl Jones' special gift is to shape experience and make it seem unshaped. *Corregidora* reads as "authentically" as Nate Shaw's life, *All God's Dangers.*

Ursa Corregidora, a young blues singer, is so badly injured by a physical blow from her husband, Mutt Thomas, that she has a hysterectomy. Mutt has been driven almost to madness watching his wife sing before boozing men every night. Being black in Kentucky in the '40s carries its own humiliations; and Ursa's sexual hangups almost finish Mutt off. Divorced from Mutt, Ursa numbly marries Tadpole, the owner of the club she sings in. But her problems have been intensified by the hysterectomy and the loss of Mutt, whom she loves. She leaves Tadpole who, realizing she'd never give him what he needed, has begun to treat her shabbily. Ursa closes herself into her music; she sings and broods.

Ursa's hangups, told in the dreams and flashbacks that make up much of the novel, are the Corregidora heritage, hammered in from earliest childhood by the women who raised her: great-grandmother, grandmother and mother. Simon Corregidora, a Portuguese slave owner in Brazil, turned his beautiful slave girls into whores. They slept with him and anyone he chose to rent them to and they never forgot his incredible demands and abuses. He fathered Ursa's grandmother; and when the grandmother became nubile, he fathered Ursa's mother. The Corregidora women came from Brazil to Kentucky to finish their lives. They raised Ursa, who inherited their beauty, to be their revenge on men for Simon's crimes. Her taking on their burden might also release them from their guilt: they remembered the pleasure they took in Simon's virility.

Corregidora is about the same kinds of sexual hatred that are now taking the form of sexual warfare in many popular, ideological novels by women. Jones avoids ideology, although her novel deals implicitly with racial and feminist issues. It is infused with black rage, but it is not an indictment of white America, not a woman-in-search-of-identity novel, nor is it a woman-as-sex-object novel—genre traps now so common that the novelist writing out of anger or confusion might easily fall into them. Jones writes as though exploring the depths of her anger. The impulse to write *Corregidora* obviously sprang from reactions against the treatment black women have had. But Jones knows that life is too complex for blanket judgments and easy solutions. *Corregidora* is, simply, about the awful complexity of one woman's life.

Ursa was meant to pass on the Corregidora obsession to female children. Her womb gone, she is left with the dead weights of the family history and her own blasted life. The misery enters Ursa's voice and strengthens her art. Withdrawn from men, still wanting Mutt, she becomes a phenomenal blues singer but without the ambition to leave her Kentucky town and its few clubs where she can sing. More than any other novel I have read *Corregidora* has a blues ache in its prose. Albert Murray's *Train Whistle Guitar* provided literary equivalents to blues phrasing but had no real blues feeling. *Corregidora* has the feeling and the ultimate release of a Billie Holiday recording.

Corregidora's prose has another quality unusual in prose by a woman: it's charged by a constant flow of sexual vernacular. Ursa's thoughts never get far from Mutt, the injury he caused and the eroticism her memory of him still ignites. It's natural for the sexual encounters she remembers and fantasizes to be expressed in four-letter words; and Jones uses the words naturally, the way they must be used if they are to mean anything in a novel. The four-letter words in *Corregidora*, used especially as aphrodisiacs or as taunts, seemed wrenched from the characters' guts. The effect is especially powerful in a novel written by a woman, because we are unaccustomed to a woman novelist who can use the language of sex constantly and not self-consciously.

Corregidora has weaknesses. Its 40-

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year time span is too big for the short narrative, and we're not quite convinced that Ursa ages. Some sequences are too spare: Mutt's jealousy, for example, needs to be more fully examined and fitted into the general scheme. The defects are major, yet the book works such a spell that you don't really mind them. Ursa's pain is so immediate, so basic and yet so multi-leveled, that *Corregidora* reads like a primal novel.

John Alfred Avant

John Alfred Avant is fiction librarian of the Brooklyn Public Library.

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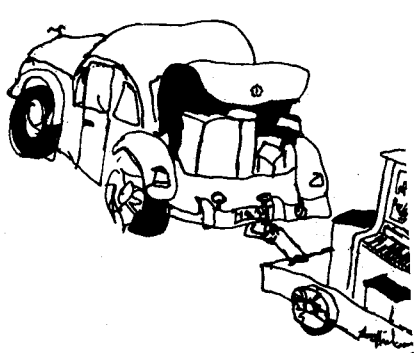

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Best Opinions

Prophets with Honor by Alan Barth

(Knopf; $7.95, Vintage paperback; $2.95)

Since the New Deal the United States Supreme Court has stood left of center in American politics. It has fought—against state governments, Congress, the White House and even sometimes against public majorities—for such liberal values as equality, free expression and privacy. To be sure debate has often flared within the Court as to how hard this fight should be waged. But even now, during the Nixon Court's thermidor, the justices have not lost their identity as the most faithful governmental defenders of civil rights and liberties. The present Court has, for example, condemned warrantless electronic surveillance in domestic crime investigations, and it has invalidated anti-abortion laws. This side of Mr. Justice Rehnquist (who alone contemplates a radically lowered judicial profile), few of us can imagine our society without the Supreme Court in this strong protective role.

Note: When *Prophets with Honor* appeared in 1974 *TNR* asked Alexander Bickel to review it. He died before he could do it. We publish this review, of the paperback reprint, a year later.

Alan Barth's book, *Prophets with Honor*, reminds us that it was not always so. In fact the bold vision that guides the modern Court originally appeared only as individual views of one or two individual justices to which their colleagues and the public as well were largely indifferent. As an editorial writer for *The Washington Post* from 1943 until 1973, Barth applauded the Court's liberal trend, culminating with the activist final years of the Warren Court. Here he offers a panorama of that turbulent evolution, by setting out and informally annotating eight landmark dissenting opinions from the late 19th century through the immediate pre-Warren era.

For the most part Barth's decision to forego analysis of his own is successful. At least the best among these opinions are more persuasive testimony to their authors' wisdom and perhaps to their historical significance, than would be commentary measuring their impact or judging their content. Witness *Plessy vs. Ferguson* (1896), in which the first Mr. Justice Harlan insisted that "our Constitution is color-blind," while his cynical colleagues upheld racial segregation as "separate but equal." Or regard Holmes dissenting when the Court smugly sanctioned the jailing of pacifists during World War I:

> *. . . When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market. . . .*

Or Brandeis in 1928, rebuking the Court for permitting a man to be convicted by illegal wiretap evidence:

> *Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law . . . it invites anarchy.*

The liberal ascendance recorded by Barth occurred in two stages. First, the Roosevelt-Truman Court embraced the doctrinal idiom of former dissenters Holmes and Brandeis. At first there was less to this rhetorical shift than met the eye. In 1950 Chief Justice Vinson acknowledged that post-Roosevelt cases had "inclined toward the Holmes-Brandeis rationale." But in the very case in which he made this concession, Vinson and a 7-2 majority imprisoned leaders of the Communist party under the Smith Act; they bowed to Congress' insistence that a "clear and present danger" of revolutionary violence was posed by the likes of Gus Hall.

Justices Black and Douglas denied that Holmes-Brandeis principles, such as the clear and present danger doctrine, could be stretched so thin. They became the new dissenters. Their harder liberal line finally prevailed in the 1960s, across a broad range of major public issues—equal legislative apportionment, improper police practices, public school prayers and state laws banning contraception.

Barth asserts that, inasmuch as their once dissenting views became majority views, Black and Douglas, like Holmes and Brandeis before them, were "vindi-

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cated" by history. Thus he does not try to answer critics like the late Alexander Bickel, who charged that the Warren Court overreached its capacity to impose idealistic principles on society, and, therefore, that its victories would likely prove short-lived.

Whether Barth or Bickel was correct cannot yet, of course, be known. But the preliminary signs seem to favor Barth's optimism. Richard Nixon tried to destroy the Court as a major political force by staffing it with the kind of mediocrities with whom he sometimes used to downgrade the federal executive departments. He failed. The Senate, with evident public support, would not stand for the Carswells, Poffs and Lillies. The White House was obliged to send up nominees who, while assuredly conservative, were men of substance and independence.

The Court thus retains its prestige. And, as Nixon himself now well knows, the justices remain willing and able to counter threats from other governmental quarters to subvert the vision of ordered liberty first illumined by Holmes and Brandeis.

Simon Lazarus

Simon Lazarus is a lawyer and author of a recently published book, *The Genteel Populists* (Holt, Rinehart and Winston).

Fischer-Dieskau At Fifty

Recently at a singing contest in New York one of the entrants—a young, petite lyric soprano—was asked by a judge to name the artist, past or present, given the all-accomplishing power of wish fulfillment, she would most like to be. Not Bidu Sayão, not Elisabeth Schumann, not Beverly Sills—candidates for emulation one might have imagined suitable to this woman's delicate vocal gifts. No. "Dietrich Fischer-Dieskau," said the eager, somewhat tinkly voice.

No one there at the competition was surprised, nor should he have been, for the influence of the German baritone on singers and singing has, almost from the very beginning of his career in post-World War II Germany, been enormous. No one today in the year of Fischer-Dieskau's 50th birthday (May 28) can consider any facet of song literature, as it is understood internationally, without referral, conscious or otherwise, to what thoughts this supreme artist has had about it. He has sung and recorded, often two and three times, the cycles of Haydn, Beethoven, Schubert, Schumann, Brahms, Strauss, Wolf, Mahler, in every important musical center of the world. He has also explored the literature of Mendelssohn, Loewe, Liszt, Cornelius, Pfitzner, Reger; not being bound by linguistic or stylistic nationalism, he has sung Purcell, Britten, Dvorák, Berlioz, Debussy and Fauré.

And that is only song. Fischer-Dieskau has shown equal versatility in oratorio and opera, ranging from the Baroque of Buxtehude, Telemann, Handel, Bach, through the standard works of the 19th century, to the contemporaneous Henze, Martin and Reimann. In almost no area of vocal music has Fischer-Dieskau not revealed himself as capable of interpretive lucidity.

If he were a conductor, this would not be particularly remarkable. A maestro worthy of the designation is expected to have the intellectual equipment to act as intermediary between a vast variety of repertory and its successful execution. A singer with that kind of curiosity and facility is a distinct rarity. On the contrary a singer is supposed to be a specialist, most often in glorious tone or, failing that, in the bel canto line, in ornamentation, in Lieder, in oratorio, in Wagner, in dramatic gesture, perhaps in some combination of the above, but never in the intelligence that makes all music his province. That Fischer-Dieskau has throughout his career never been confined to any category or group of categories is his uniqueness.

Now a man in his full maturity, it should not be thought that the baritone has needed the years 'til now to develop his powers of vocal communication. Of course there has been change. The man who recorded *Die Winterreise* in 1948 has to approach it differently today. Posa in *Don Carlos*, the role in which he made his operatic debut in Berlin that same year, bears little resemblance to the Vienna Falstaff nearly two decades later, except perhaps in that the youthful singer and the older one were equally capable of a characterization that involved him to the limits of his intellectual penetration.

That particular capacity has always been great. His long-time accompanist, Gerald Moore, in his book, *Am I Too Loud?*, writes of first encountering Fischer-Dieskau in 1951: "He had only to sing one phrase before I knew I was in the presence of a master." And Jörg

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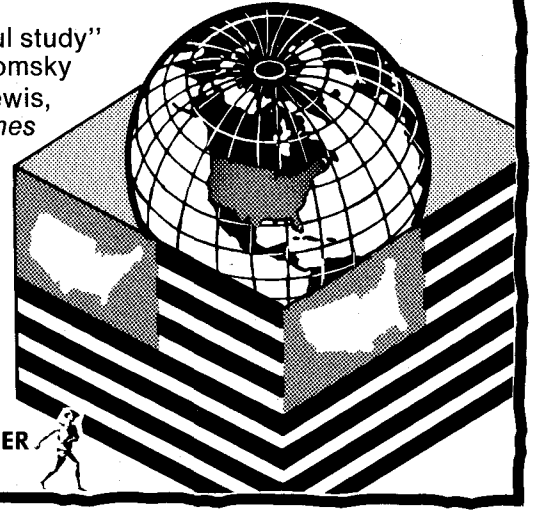

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Demus, another of his accompanists (more often a soloist in his own right) said of their work together, "He was like the capitan, I the pilot."

Where did this ability come from? Obviously it must be a matter of innate endowment, yet Fischer-Dieskau's boyhood and background were congenial to it. His father was a schoolmaster, both parents accomplished amateur musicians. His basic training, academic and musical, was thorough, and at 18 he entered the Berlin Hochschule für Musik where he studied with the prestigious Hermann Weissenborn. At 18 he was conscripted—the year was 1943—and he served both on the east front and toward the end of the war as an infantryman in Italy. There he was taken prisoner by the Americans.

The two years Fischer-Dieskau was interned in Italy are not commented on too extensively in his biographies, especially outside Germany, except to give the impression that benevolent American officials recognized his talents and allowed him carte blanche to entertain his fellow prisoners. Actually, in a German interview published in 1966, he spoke with some bitterness about the deprivations of the period. But he did study, did sing, even staged an operetta and, most importantly, his spirit survived the ordeal. This singleness of purpose painfully tempered by imprisonment later served him well when dealing with the rigors of a career in music.

The years that followed his 1947 release and return to Berlin proved astounding. By the mid-1950s he was an international star with debuts in Salzburg, Bayreuth, Edinburgh and New York behind him. By the age of 36 it was calculated that he had already recorded three times as much Lieder as any singer in history. His concert appearances have never let up being in demand, and to a great extent that demand, as far as has been humanly possible, has been responded to. With opera the worldwide musical community, at least that part of it that has not traveled to Berlin, Munich, Salzburg, Bayreuth and Vienna, has been less fortunate: the only opera Fischer-Dieskau has sung in New York has been in concert form.

Where he has been extraordinarily generous, however, has been in recording. Once a school friend of one of Fischer-Dieskau's three sons asked him what his father did for a living. "He makes records," came the immediate reply. And indeed he does: albums of complete Schubert songs, of complete Strauss songs, everything he has sung in public and more, especially operatic roles for which there has never been an occasion to encase in a production.

Naturally along with such a ubiquitous musical presence there has not come total acclamation. In Lieder, like Elisabeth Schwarzkopf (until her recent retirement perhaps his only true equal in this field), he has been accused of "overinterpretation," putting so much inflection into a word that the tone to which it is sung cannot be listened to as mere sound. One suspects that this cavil may be prompted by the annoyance of those who refuse to admit that the words of a song, especially in a language they do not fully understand, are as much a part of the listening experience as the melodic line.

In opera critics have freely acknowledged his excellence in Mozart, Wagner and Strauss yet grudge him recognition in the Italian repertory. True, his want of sheer animal force separates him from the routine standard so readily accepted as "idiomatic." Yet his command of the language is superb (another dividend from his prisoner-of-war years), as it is of the legato necessary to sustain, for example, Verdi's cantilena, so much so that the distinguished Italian maestro Mario Rossi remarked after working with him, perhaps a bit hyperbolically, that he would like to send all his singers to Berlin for training.

And his understanding of the drama—in Verdi and Puccini, as in Wagner and Strauss—is always compelling. If any one sequence stands out in this observer's mind as symbolic of his genius, it is of Fisher-Dieskau's delineation of the small role of the Speaker in *The Magic Flute* in Munich in 1970. It was a generally fine evening, but the baritone's few minutes of dialogue with Tamino riveted everyone in that theater to his depth of portrayal. One was struck by the convergence of text, musical declamation and performing grace; so everything that came before and everything that succeeded seemed cardboard.

And now Fischer-Dieskau is 50. Dare one hope for Hans Sachs?

Harvey E. Phillips

Harvey E. Phillips is a free-lance writer and critic, primarily concerned with music.

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Tasters' Choice

Doris Grumbach

Liberal Parents, Radical Children is an unconventional, uncommonly good book; unconventional, first, because Midge Decter does not preach to either of the parties in what has so badly gone awry between "the most celebrated youth in history" and their middle-aged families in the "comfortable suburbs and fashionable neighborhoods" who participate in "a common bewilderment" about them.

It is unconventional too because, considering the point of the book, addressed to "the children," Midge Decter asks: "Why have you found it so hard to take your rightful place in the

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world? . . . why have your parents' hopes for you come to seem so impossible?" There are no dogmatic answers given to these questions, but instead descriptions of the involved young. Rarely does Decter preach or judge: her descriptions of "the dropout," "the pothead," "the sexual revolutionist" and "the communard," accurate and incisive, are homily enough.

Parents, children, *people*, will read her book with recognition. As I read it I could think of only one possible improvement upon its present structure—a response-description or two written perhaps by "the children" of, let us say, "the self-made father," "the ambitious mother," "the devoted high-achievers," etc. To some degree the teeter-totter here is up on the side of the disappointed middle-aged procreators. But no doubt responses are already being prepared by the rapidly aging citizens of the once-greening, now-browning Americans.

Jerome Klinkowitz, an occasional contributor to these pages, has made a thoughtful and scholarly contribution to the criticism of the fiction of the late '60s and '70s. **Literary Disruptions** (University of Illinois Press; $7.95) addresses itself to "the making of a post-contemporary American fiction." The "makers" he evaluates with admiration and affection are Vonnegut, Barthelme, Kozinski, Ronald Sukenick, Gilbert Sorrentino, LeRoi Jones; those he leaves conspicuously behind are Kesey, Heller, Barth, Pynchon, Updike, Roth, Bellow and Malamud, all of whom one might have expected to be included in such a study. These writers Klinkowitz excludes because they are part of "the literature of exhaustion," part of the death of the novel, "funereal" in their effect; his choices on the other hand are "re-creative." With them there is a rebirth, the death of the death of the novel.

Now they are in the stylistic saddle, disruptive influences on the moribundity of the novel, or "surfictionists" (Raymond Federman's term, he being another of the goodies), who believe that "the experience of life can only be meaningful in its recounted form." The study is interesting, controversial, often but not always entirely convincing.

There has been a recent resurgence of interest in the Works Progress Administration's Federal Art Project. Founded in 1936, it is now the subject of a book of essays and illustrations, **WPA: Art for the Millions,** written by both the artists themselves and the administrators for the project, and edited by Francis V. O'Connor (New York Graphic Society; $8.95 paper). The book, "a record of the greatest importance to art history and society," was first put together in 1936, was ready for publication three years later, but never appeared. Thirty years later what we have is almost the original with the addition of O'Connor's introductory essay explaining its history, plus a valuable overlook at the amazing amount of fine art produced in those years with government aid. The examples of art provided are helpful to the text; it is perhaps too much to expect that some color might have been included in the illustrations.

As a child I relished (for a reason I do not now understand) the English stories of Mrs. Molesworth. She was a prolific writer. Every Christmas for years I seem to have been provided with another of her books by a blind uncle of mine who lived in London. As I recall they satisfied my need for books that kept the moral order of the world straight for me because they all sternly exemplified a lesson. Now that I look at **Walter Crane as a Book Illustrator** by Rodney K. Engen (St. Martin's Press; $8.95 paper) I realize that what I must have liked was the illustrations by Crane. This volume gathers together much of his work; a few illustrations are in color, and all of them are reminders of the blessed, childish innocence of the end of the last century when little boys and girls in broad straw hats and pinafores sat in gardens surrounded by owls and donkeys and lovable cats, and when the *Household Tales* from Grimm were benignly illustrated by gentle cherubs, crowing cocks and amiable dogs curled at the feet of a pre-Raphaelite sleeping beauty. A lovely piece of nostalgia, at least for me.

David Godine's fine hand at book production has produced another elegant book, **H. H. Richardson and His Office: Selected Drawings,** appraised and introduced by James F. O'Gorman ($27.50). If American architecture interests you, and if you find the preliminary drawings for great buildings intriguing—Richardson did some surprisingly impressionistic, almost scrappy drawings for what turned out to be highly complex, formal architectural structures such as the famous capitol building in Albany, New York—you will enjoy this book. The *Library Journal* says it is "an important book for American architecture collections." I second that and add that it is a handsome and instructive one for general lovers of non-modern buildings who want to know exactly why these continue to appeal to them so much.

Upon careful scrutiny I discover that there is not a great deal of difference between a few of the photographs of Diane Arbus (now properly elevated to the status of "art") and those taken on journalistic assignment by Bill Owens and now collected into **Our Kind of People: American Groups and Rituals** (Straight Arrow Books; $19.95, $9.95 paper). For six years Owens took pictures of community affairs in his town in California for a newspaper with a speed graflex and a Pentax 6x7, the usual newspaper "pix." Compiled as they are here they constitute a legitimate piece of American cultural history, a superb study of the phenomenon of "joining," a picture of what middle America does in the time it spends at leisure, together, in organizations and organized social gatherings. Said Owens, in thanking all the groups who are the subjects of these flat, astonishing and (in the same way as Arbus' are) horrifying pictures: "I had enjoyed the experience, but I could never sit through all those meetings again." You will find it hard sometimes to sit through the unremitting, self-congratulatory parade of get-togethers and celebrations and awards, the caption for one of which begins: "You are never a stranger in town when you belong to . . . ."

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Correspondence

Poor Choice of Words

To the editors:

I am not a Jew who detects anti-Semitism at the drop of a hat. However, the following passage in Milton Viorst's article ("Black Mayor, White Power Structure," *TNR*, June 7) disturbed me: "The white power structure is not hung up on Maynard Jackson's symbolism in the social order. In fact, dissatisfied with *the rather knavish Jew who had somehow acquired the mayoralty in 1969* these men anted up a huge amount of money to finance Jackson's election campaign."

David Savitz, M.D.
Auburndale, Massachusetts

In reply:

My point was that Atlanta's transition from a WASP to a black mayor was via a Jew, whose tenure was unfortunately marred by scandal. However "knavish Jew" does sound a little like "dirty Jew," an old slur that angers all of us Jews. So I apologize for my insensitive choice of words.

Milton Viorst

More of the Same

To the editors:

United Methodist Bishop Abel Muzorewa's "moderate" umbrella group in Rhodesia is the African National Council—not the militant, banned and venerable African National Congress as Milton Viorst mistakenly reported on page 11 of the March 29 issue. He correctly names it on page 12, but some readers may not know which is which.

Ben L. Kaufman
Cincinnati, Ohio

Citing Mayaguez

To the editors:

John Osborne's "Mayaguez Questions" (*TNR*, June 7) provides an occasion for me to give vent to the increasing disgruntlement I have felt with Mr. Osborne's manner and performance as a reporter over the past year or so. For several years Osborne did a meticulous job of interpreting for the rest of us the obscure goings-on and ideological twists and turns in the Nixon inner circle. I began to feel some misgivings during the last months of the Nixon presidency. He began, it seemed to me, to lean over backwards, to give the devil his due and then some, in reporting on the plight of Nixon and his men. Well and good: if Osborne was scrupulous to a fault, he was undeniably scrupulous. But his increasing solicitude for Nixon and his advisers was by June accompanied by something else, a peevish conviction that the White House press corps, Osborne alone excepted, and the media generally—including, it seemed, *The New Republic*—were crudely out to get the President.

Since Gerald Ford assumed the presidency, Osborne has been not so much the meticulous observer and interpreter of events there—*our* man in the White House— as *their* faithful scribe, getting out to *The New Republic* readership how the President sees this or that, informing us how nicely the Vice President is settling into his job, and so forth. Do we really need this sort of thing week after week? I don't think so. What, one asks, are the administration's purposes? Osborne now seems to consider it bad form to raise such questions, a debilitating if not fatal lack in any reporter. As his identification with the White House has increased, so has his willingness to sling accusations at reporters less enamored than he with administration performance. Now we have his "impression" that some reporters "would have been happy if the *Mayaguez* affair had proved to be an unmitigated disaster rather than a flawed success for the United States." This is pure Ziegler, vintage Buchanan. . . .

Edward Paynter
St. Louis, Missouri

To the editors:

The invocation of the right of innocent passage through territorial waters in John Osborne's article on the *Mayaguez* incident is not proper in this context. The international law applies to nonbelligerent nations, engaged in mutually productive maritime intercourse. The situation in Cambodia was wholly different, however, for the new government had been fighting a civil war for five years against a government that was almost totally supplied by the US. This gave the US the status of a nonneutral, and the Cambodian government during the war could legally stop and search American vessels *on the high seas* for contraband, and seize them within her 12-mile territorial limits.

The surrender of the Lon Nol government did not immediately change the status of the US, although it probably would have done so in the last century. Political conflicts of this century, especially those following World War II, are not characterized by well-defined beginnings and endings, for what remains are the "covert operations" of cold warriors. The Cambodian government, based on past experience, had every reason to believe that the US would continue to execute operations of a quasi-military sort against them, despite the collapse of Lon Nol. Given the fact that the ship *Mayaguez* used to make regular runs to Saigon, supplying goods of an unknown nature, the Cambodian government was certainly prudent in being suspicious of American ships.

Thus, it must be concluded that because the *Mayaguez* was seized within Cambodian territorial waters and because the "right of innocent passage" could not apply, the Cambodian government was acting legally. The acts of the US must be construed as an overt act of aggression.

William J. Volonte
Charlottesville, Virginia

To the editors:

John Osborne's column on *Mayaguez* questions shows that columnists would do well to leave constitutional issues to constitutional authorities. Although Raoul Berger, Charles Warren Senior Fellow in American legal history at Harvard, marshalled impressive historical authorities to demonstrate that the power to protect American lives and property abroad is vested in Congress, Osborne deprecates his views without mustering a single contrary point (*New*

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York Times "Op-Ed," May 23, 1975).

Although the War Powers Act requires the President to "consult" with Congress "in every possible instance" before introducing American armed forces into hostilities, Osborne opines that Mr. Ford adequately complied with the law, even though Mr. Ford merely informed a handful of congressional leaders after the fact.

Although the statute prohibits all US military action in, over or off the shores of Indochina after August 15, 1973, Osborne believes the statute does not forbid "the sort of restricted police action" Mr. Ford took in *Mayaguez*. The bombing of vessels, the landing of marines on Cambodian territory, the bombing of a Cambodian airport and refinery (after the recovery of the vessel and the crew) are merely "restricted police action."

But the "police action" taken by Cambodia in seizing the vessel authorized under the 1958 Geneva Convention on the territorial sea authorizing a coastal state to conduct an investigation of a vessel to determine whether it is "disturbing the peace of the country or the good order of the territorial sea" is impliedly condemned or ignored. Osborne thinks that there was "no evidence whatever" that the *Mayaguez* was not exercising the internationally recognized right of innocent passage. But passage is innocent only so long as "it is not prejudicial to the peace, good order or security of the coastal state . . ." according to Article 14(4) of the Geneva Convention cited. How did Osborne—or Mr. Ford—know whether the *Mayaguez* was disturbing the "peace, good order or security" of Cambodia?

And, finally, although his own catalog of facts compels the conclusion that "the Administration purposely withheld, delayed and falsified casualty figures in order to sustain as long as possible the general glow that followed the recovery of the ship and crew," Osborne proclaims: "nevertheless I buy the administration claim that no intentional deception was involved."

A more abject apologist for Mr. Ford's handling of the *Mayaguez* affair would be hard to find. We hope not many *TNR* readers will be beguiled by JO.

Joseph H. Crown
Co-Chairman, Lawyers Committee
on American Policy
Towards Vietnam

Kauffmann, *from page 22*

monarchy, but their use just looks like guest appearances on a TV show.

Altman has always been especially interested in the dimensions of the sound-track, sometimes to the point of distraction and obscurity. Here, with his sound engineers Jim Webb and Chris McLaughlin, he uses an eight-track system that places the sound directionally, in relation to the audience's ears, and makes good use of different timbres—the p.a. system, the campaign sound-truck, the dead sound of a recording studio. With his cinematographer Paul Lohmann, who did *California Split*, Altman has opted for poster colors, bright and relentless. Sometimes the "pictures" are the common fare of US exposé, like a huge American flag plunked at us as a comment in itself. (This idea should now be given a rest, after *Patton* and *Zabriskie Point*.) Most of the time they are subtly garish, as in the mosaic made by the audience's shirts and dresses at a packed outdoor concert.

In a recent TV interview on PBS Altman said that he had cut the picture to its present two hours and 40 minutes from eight hours of footage and that he had kept the outtakes. He said that when *Nashville* is eventually shown on TV—a long way ahead, I would guess—he intends to weave in the deleted material to make a four-part film, two hours a part. This may sound discouraging, implying as it does that the present film is a butchery or that it has so weak a design that the whole is infinitely expandable. Neither of these points is true. Only one of the story strands—the one concerning a black busboy played by Robert Doqui—looks as if it had been sliced. In a different time-and-place environment each one of these strands might be fattened, on the soap-opera principle of following the *course* of people's lives, but most of them are substantial enough to exist, as they are now, and certainly add up to all we would want to sit through in a theater. Paradoxically, if *Nashville* is enlarged and split in four, it may seem less consciously Big than it does in one 160-minute gulp.

Still Altman's comment underlines what the film is about: texture, not drama; typicality, not particularity. As it is, it's a generally entertaining, conventionally critical look at Americana. The ads say "For movie-lovers." Exactly. *Nashville* was conceived and built like a superior book-club novel, and it comes out the cinematic equivalent of what the English call "a good read."

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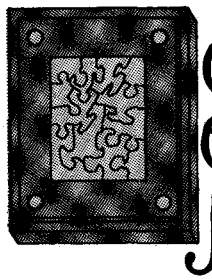

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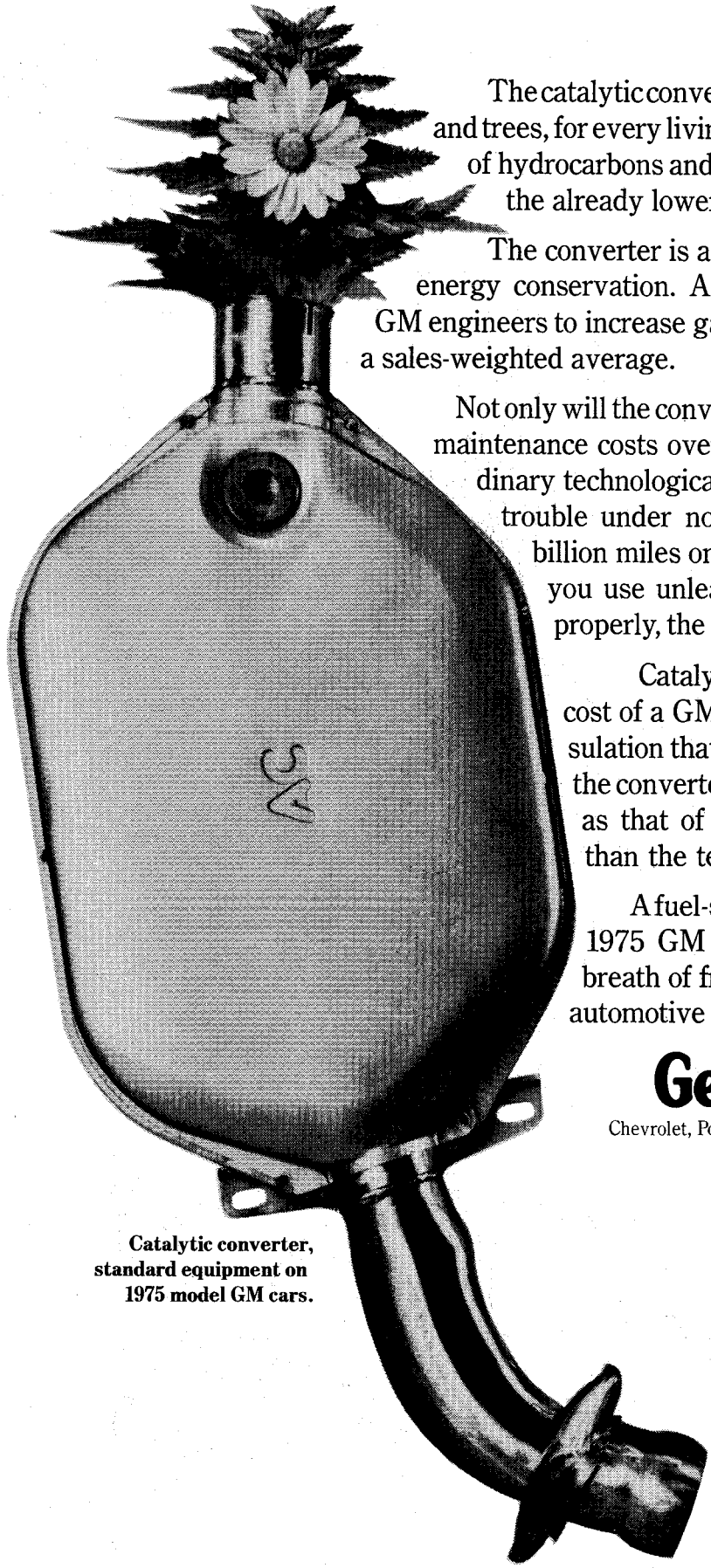

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